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**ASSEMBLÉE NATIONALE**

DOUZIÈME LÉGISLATURE

**SÉNAT**

SESSION ORDINAIRE DE 2005-2006

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## **TEXTE SOUMIS EN APPLICATION DE L'ARTICLE 88-4 DE LA CONSTITUTION**

PAR LE GOUVERNEMENT,

À L'ASSEMBLÉE NATIONALE ET AU SÉNAT

Communication de la Commission au Conseil et au Parlement européen :  
Évaluer les politiques de l'Union européenne en matière de liberté, de  
sécurité et de justice.

COM(2006) 0332 final



**CONSEIL DE  
L'UNION EUROPÉENNE**

**Bruxelles, le 4 juillet 2006**

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Monsieur Jordi AYET PUIGARNAU, Directeur

Date de réception: 4 juillet 2006

Destinataire: Monsieur Javier SOLANA, Secrétaire général/Haut Représentant

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Objet: Évaluer les politiques de l'Union européenne en matière de liberté, de sécurité  
et de justice

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Les délégations trouveront ci-joint le document de la Commission - COM(2006) 332 final.

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COMMISSION DES COMMUNAUTÉS EUROPÉENNES

Bruxelles, le 28.6.2006  
COM(2006) 332 final

**COMMUNICATION DE LA COMMISSION AU CONSEIL  
ET AU PARLEMENT EUROPÉEN**

**Évaluer les politiques de l'Union européenne en matière de liberté, de sécurité et de  
justice**

{SEC(2006) 815}

## COMMUNICATION DE LA COMMISSION AU CONSEIL ET AU PARLEMENT EUROPÉEN

### Évaluer les politiques de l'Union européenne en matière de liberté, de sécurité et de justice

#### 1. INTRODUCTION

1. Le **programme** de La Haye (2004)<sup>1</sup> note que «de l'avis du Conseil européen, l'évaluation de la mise en œuvre et des effets de chaque mesure est indispensable pour que l'action de l'Union soit efficace.» Le **plan d'action** mettant en œuvre ce programme (2005)<sup>2</sup>, qui constitue le cadre de référence pour le travail de l'UE en matière de justice, de liberté et de sécurité pour les cinq années à venir, prévoit l'adoption, en 2006, d'une **communication** de la Commission sur la mise en place d'un mécanisme d'évaluation au niveau de l'UE dans ce domaine<sup>3</sup>.
2. Pour les chefs d'État ou de gouvernement, l'évaluation de la mise en œuvre des politiques est un **outil essentiel**. Il permet de s'assurer que les avancées significatives de l'Union et ses États membres dans la création d'un espace de Liberté, de Sécurité et de Justice sont effectivement mises en œuvre et régulièrement examinées afin de répondre aux **attentes des citoyens européens**.
3. En soulignant l'importance de l'évaluation, le programme de La Haye visait (1) à **améliorer encore la conception des politiques, des programmes et des instruments** en identifiant les problèmes et les obstacles rencontrés lors de leur mise en œuvre, (2) à renforcer la transparence et le contrôle des politiques et de l'utilisation du budget européen, (3) à favoriser l'information et les **échanges de bonnes pratiques** et (4) à contribuer à **l'avènement d'une culture de l'évaluation** dans toute l'Union.

Eu égard (1) au **mandat** donné à la Commission par le programme de La Haye et son plan d'action, (2) à la **fragmentation** des mécanismes existants de suivi et d'évaluation et (3) à la nécessité de **bien informer** toutes les parties prenantes sur la mise en œuvre et les résultats des politiques, la Commission estime que **le moment est venu** de travailler à la mise en place d'un **mécanisme complet et cohérent d'évaluation** des politiques de l'Union en matière de liberté, de sécurité et de justice, dans un esprit de **partenariat** avec les États membres et les institutions de l'UE.

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<sup>1</sup> Annexe I aux conclusions de la présidence, Conseil européen de Bruxelles, novembre 2004.

<sup>2</sup> Plan d'action du Conseil et de la Commission mettant en œuvre le programme de La Haye visant à renforcer la liberté, la sécurité et la justice dans l'Union européenne (JO C 198 du 12.8.2005, p. 1).

<sup>3</sup> Le plan d'action appelle aussi à l'élaboration d'une communication sur l'évaluation systématique, objective et impartiale de l'application des politiques de l'Union dans le domaine de la justice en vue de renforcer la confiance mutuelle tout en respectant pleinement l'indépendance de l'appareil judiciaire. Plus tard dans l'année, la Commission présentera donc une autre communication qui traitera en détail de cette question conformément aux principes généraux énoncés dans la présente communication.

Un tel mécanisme englobera le **suivi de la mise en œuvre** (comme détaillé dans la communication «Renforcer la liberté, la sécurité et la justice dans l'Union européenne: rapport sur la mise en œuvre du programme de La Haye pour l'année 2005», ci-après, le «tableau de bord Plus»)<sup>4</sup> et l'**évaluation des résultats** des politiques.

## 2. LE CONCEPT D'ÉVALUATION

4. Il convient de distinguer l'évaluation du suivi de la mise en œuvre:

- le **suivi de la mise en œuvre** consiste à examiner les progrès accomplis dans l'exécution des politiques;
- la communication relative à l'évaluation, présentée par la Commission en 2000<sup>5</sup>, définit l'**évaluation** comme une «*appréciation des interventions (actions publiques) en fonction de leurs résultats, de leur impact et des besoins qu'elles visent à satisfaire.*» L'évaluation a pour rôle principal de fournir aux responsables des informations concernant l'incidence et l'efficacité des activités qui ont été prévues et réalisées.

5. La Commission voit dans le mécanisme mentionné dans le plan d'action un moyen d'assurer le suivi de la mise en œuvre et d'évaluer les résultats concrets des politiques menées en matière de liberté, de sécurité et de justice. En l'occurrence, l'évaluation s'appuie sur le suivi, mais va au-delà en examinant les effets de la mise en œuvre, comme indiqué plus bas. Ceci est conforme au programme de La Haye, étant donné que le concept d'*évaluation de la mise en œuvre ainsi que des effets de toutes les mesures*» recouvre tant la mise en œuvre elle-même que l'évaluation des résultats des mesures adoptées.

6. Telles sont les raisons pour lesquelles la Commission propose un dispositif cohérent et complet en deux volets: le «**tableau de bord Plus**» pour le suivi de la mise en œuvre et le **mécanisme d'évaluation** proposé dans la présente communication.

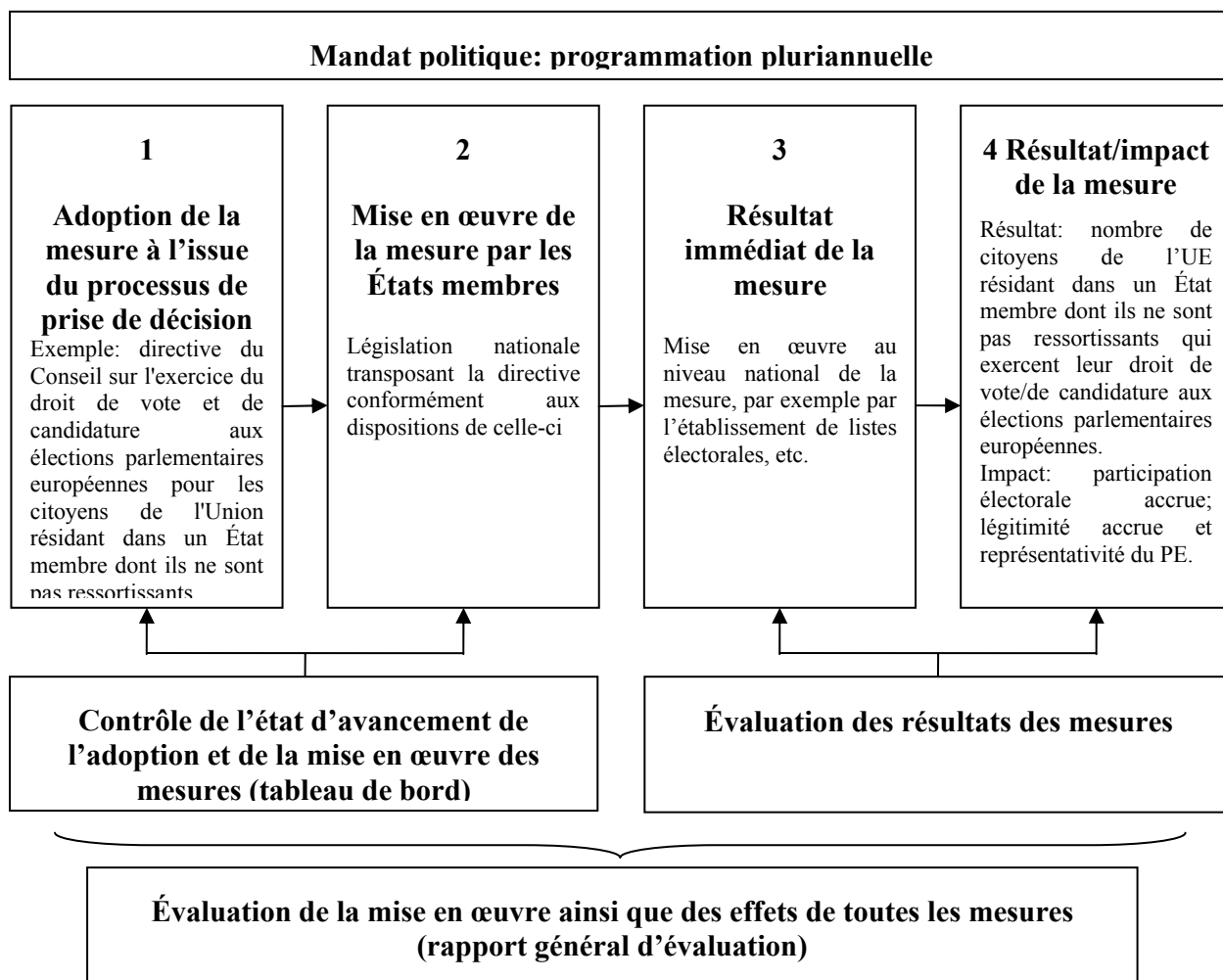
7. Le mécanisme décrit ici repose sur cette définition extensive qui, de l'avis de la Commission, devrait permettre d'appréhender pleinement les résultats quantitatifs et qualitatifs obtenus en matière de liberté, de sécurité et de justice. Un tel mécanisme fonctionnerait dans le cadre des principes énoncés dans le programme de La Haye. En fin de compte, la formulation des politiques devrait s'en trouver améliorée grâce à la prise en compte accrue des résultats des évaluations dans le processus de prise de décision.

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<sup>4</sup> COM(2006) 333.

<sup>5</sup> SEC(2000) 1051.

Encadré 1: Évaluation à tous les stades



**3. ÉVALUER LES POLITIQUES DE L'UE EN MATIÈRE DE LIBERTÉ, DE SÉCURITÉ ET DE JUSTICE – DIFFICULTÉS À CONSIDÉRER**

**3.1. Des objectifs et des dispositifs complexes et ambitieux**

8. Le domaine des politiques de l'Espace de liberté, de sécurité et de justice est **l'un des plus divers de l'Union**. Les objectifs touchent à certaines des questions les plus sensibles: libre circulation des personnes, terrorisme et crime organisé, coopération policière et judiciaire, politique en matière d'asile et de migration, tout cela en respectant les droits fondamentaux et en promouvant les droits des citoyens de l'Union. Les questions de souveraineté nationale obligent souvent à trouver des compromis au niveau de l'UE ou rendent difficile la mise en œuvre. Par conséquent, tout nouveau mécanisme d'évaluation devra prendre en compte ce contexte politique.
9. Le caractère à la fois complexe et ambitieux des objectifs poursuivis se double d'un cadre juridique (procédures décisionnelles, examen de la conformité) parfois déroutant.

Pour faire face à cette complexité, le mécanisme d'évaluation proposé doit être **progressif** et prévoir les possibilités d'**évolution et de consolidation**.

### 3.2. Calendrier

10. En raison du rôle particulier de la Commission et du processus de prise de décision dans le domaine de la liberté, de la sécurité et de la justice, les différentes politiques ne sont pas mises en œuvre et ne produisent pas leurs effets **dans les mêmes délais**. Une **approche au cas par cas** est par conséquent nécessaire, afin de trouver le juste niveau d'analyse pour **chaque politique**. Les résultats immédiats et intermédiaires seront pris en considération pour toutes les politiques, mais l'analyse de leur incidence pratique sera sans doute plus difficile dans certains cas (par exemple, pour les politiques en matière de drogue ou de migration).

Le mécanisme d'évaluation proposé devra posséder la **souplesse nécessaire** pour permettre une évaluation approfondie différenciée des diverses politiques en tenant compte de leur degré de développement et de consolidation.

Il paraît donc approprié de se concentrer sur les résultats immédiats et intermédiaires, du moins dans un premier temps. La détermination de l'incidence globale des politiques doit constituer à plus long terme l'objectif ultime du mécanisme d'évaluation.

### 3.3. Associer les institutions et les acteurs du domaine

11. Les questions de liberté, de sécurité et de justice sont uniques également par l'impact qu'ont les politiques correspondantes sur les acteurs du domaine. Tout mécanisme d'évaluation dans ce domaine doit impérativement tenir compte des **attentes et des priorités des différents acteurs** et, en particulier, du **besoin de confidentialité** dans certaines matières telles que le terrorisme et le crime organisé.
12. Dans un esprit de **partenariat**, la Commission **consultera** les États membres et les institutions de l'UE **et débattrà** avec eux pendant et après la préparation du rapport d'évaluation. Les États membres et les institutions de l'UE seront invités dans ce but à désigner des **points de contact** afin de faciliter le dialogue avec la Commission. Le rapport d'évaluation<sup>6</sup> sera **public** et adressé aux États membres et aux institutions de l'UE.
13. Le Conseil et les États membres seront avec la Commission les principaux acteurs dans le mécanisme proposé. Le Parlement européen sera étroitement associé, conformément à ses prérogatives et obligations institutionnelles. Les parlements nationaux seront eux aussi impliqués dans l'évaluation des rapports réguliers.
14. Dans les domaines couverts par le traité CE, le Comité des régions et le Comité économique et social européen participeront à l'élaboration et à la mise en œuvre du mécanisme d'évaluation. Les rapports d'évaluation leur seront systématiquement transmis après adoption.
15. Des agences telles que l'Agence de l'Union européenne pour les droits fondamentaux, l'Observatoire européen des drogues et des toxicomanies (OEDT), Europol, Eurojust ou l'Agence européenne pour la gestion de la coopération

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<sup>6</sup> Cf. paragraphe 30.

opérationnelle aux frontières extérieures auront également un rôle important à jouer. Premièrement, elles «alimenteront» l'exercice d'évaluation avec les informations et analyses dont elles disposent et, deuxièmement, la Commission les consultera sur les rapports d'évaluation.

16. Les contributions émanant de la **société civile** seront très utiles dans ce contexte. La Commission veillera à ce que les opinions exprimées par la société civile soient prises en compte. Elle mettra en place les mécanismes nécessaires afin que la participation de la société civile à l'évaluation de toutes les politiques dans le domaine de la liberté, de la sécurité et de la justice soit assurée.

Le mécanisme d'évaluation proposé devrait inclure des **mécanismes de consultation transparents**, qui pourraient aussi servir à recueillir et à vérifier les informations.

### 3.4. Disponibilité de statistiques

17. La disponibilité de statistiques<sup>7</sup> et des moyens de les analyser est **essentielle** à la mise au point d'un système d'évaluation. Si les statistiques sont déjà bien développées pour certaines activités (par exemple en matière de drogue), il y a encore des progrès à réaliser dans d'autres domaines tels que la criminalité et la justice pénale<sup>8</sup>. Des statistiques sur l'évolution des besoins auxquels répondent les politiques en matière de liberté, de sécurité et de justice seront nécessaires en tant que données de référence pour évaluer si une politique donnée a permis, avec le temps, d'atténuer les besoins existants ou bien les a aggravés au contraire, et, en fin de compte, pour pouvoir tirer des conclusions sur l'impact des politiques. Des améliorations devraient être apportées dans trois domaines: qualité, disponibilité et analyse. Les travaux des agences, parmi lesquelles l'Observatoire européen des drogues et des toxicomanies (OEDT), Europol, Eurojust et la future Agence des droits fondamentaux, joueront un rôle particulier dans ce contexte. Les projets et réseaux de recherche contribueront eux aussi à cet objectif.

Il conviendra par conséquent, parallèlement à la mise en place du système d'évaluation proposé, d'apporter des améliorations à la **qualité**, la **disponibilité** et l'**analyse des statistiques** en matière de liberté, de sécurité et de justice.

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<sup>7</sup> La production de statistiques communautaires est régie par les dispositions du règlement du Conseil relatif aux statistiques communautaires, et les actions liées à l'établissement de ces statistiques sont réalisées conformément au programme statistique communautaire et à ses programmes annuels, en respectant les principes énoncés dans le code de bonnes pratiques de la statistique européenne.

<sup>8</sup> À cet égard, la Commission prévoit d'adopter un plan de l'UE pour l'élaboration d'une stratégie européenne cohérente et globale de mesure de la criminalité et de la justice pénale, l'objectif ultime étant de disposer de statistiques communautaires fondées sur des définitions et des mécanismes de collecte et de compte rendu harmonisés.



#### 4. ÉVALUER LES POLITIQUES DE L'UE EN MATIERE DE LIBERTE, DE SECURITE ET DE JUSTICE – PROPOSITION D'UN MECANISME D'EVALUATION STRATEGIQUE

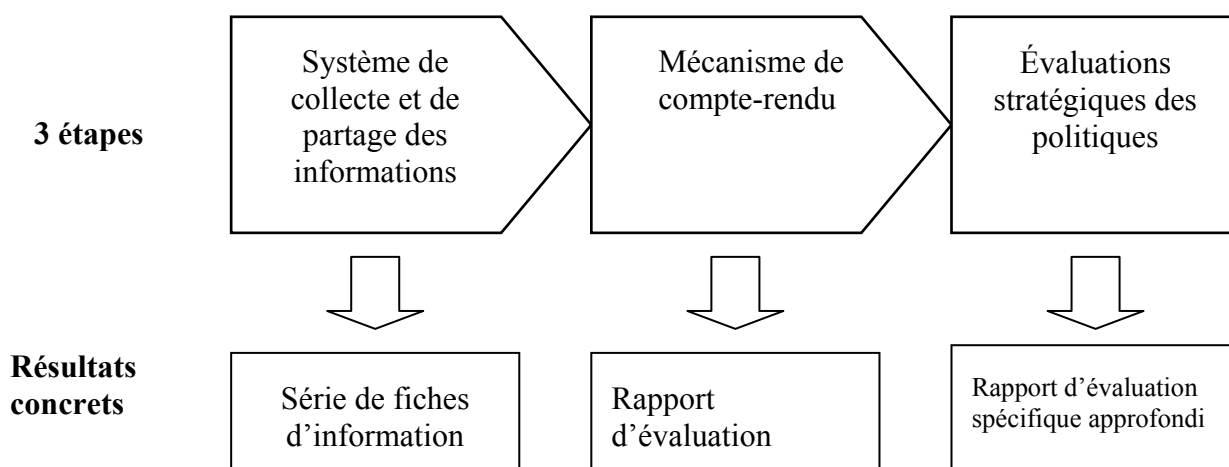
##### 4.1. Description du mécanisme d'évaluation

18. Le mécanisme d'évaluation proposé dans le domaine de la liberté, de la sécurité et de la justice s'appuie sur l'expérience acquise dans d'autres domaines de politique de l'Union. Un tel mécanisme compléterait les **pratiques en vigueur**, décrites dans l'annexe 2, et, dans le cas précis des programmes de financement, utiliserait les informations résultant des obligations d'évaluation existantes. Dans les autres domaines où des informations sont déjà disponibles, on veillera particulièrement à utiliser les données existantes et à **ne pas répéter des travaux déjà effectués**.

19. Un mécanisme progressif en trois étapes est proposé:

- (1) en premier lieu, il prévoit la mise en place d'un système de collecte et de partage des informations;
- (2) en deuxième lieu, il inclut l'élaboration de rapports d'évaluation, qui synthétisent, exploitent et analysent ces informations;
- (3) en troisième lieu, il est complété par des évaluations stratégiques approfondies.

*Encadré 2: Les trois étapes du mécanisme*



20. Le mécanisme sera exhaustif en ce qu'il couvrira toutes les politiques relevant du domaine «liberté, sécurité et justice»<sup>9</sup>.

21. Les rapports d'évaluation<sup>10</sup> seront transmis au Conseil et au Parlement européen, ainsi qu'au Comité économique et social européen et au Comité des régions, et diffusés plus largement si nécessaire, y compris à l'occasion de conférences ad hoc.

<sup>9</sup> Durant la troisième étape du mécanisme proposé, le mécanisme d'évaluation par les pairs décrit dans l'annexe 2, au point 2.3.2, pourrait continuer de fonctionner. Selon la manière dont évoluera le cadre institutionnel actuel, la Commission pourrait gérer ce mécanisme dans un stade ultérieur. En tout état de cause, elle lui apportera le soutien des évaluations stratégiques approfondies auxquelles elle-même procède dans les domaines couverts par le titre VI du traité sur l'UE.

22. En renforçant la remontée et la dissémination des résultats d'évaluations, le mécanisme vise en définitive à promouvoir l'exploitation pratique de ces résultats au niveau de la prise de décision.
23. Ce mécanisme est cohérent avec les orientations actuelles de la Commission en matière d'évaluation et fonctionnera conformément à leurs principes généraux.

#### 4.1.1. *Système de collecte et de partage des informations*

24. Le système de collecte et de partage des informations reposera sur des «**fiches**» (une pour chaque domaine politique) qui seront remplies par les autorités compétentes des États membres. Dans les domaines pour lesquels des informations sont déjà disponibles sous une forme identique, la Commission **pré-remplira** autant que possible les fiches. Parallèlement, les fiches seront diffusées pour **consultation** auprès des diverses parties prenantes<sup>11</sup> et de la société civile. Les consultations seront adaptées à chaque domaine politique et se fonderont sur les mécanismes de consultation et **réseaux existants**, en tenant compte comme il convient des exigences de confidentialité propres à certains domaines.
25. Les fiches mentionneront un **objectif global** pour chaque domaine et une liste des **principaux instruments** (législatifs, non législatifs et financiers) servant à atteindre cet objectif. Le mécanisme devrait permettre d'avoir une vue d'ensemble claire des **résultats obtenus**.
26. Les fiches fixeront en outre une série d'**indicateurs** pour chaque politique, qui seront clairement rattachés à l'objectif global du domaine correspondant. Les fiches feront partie intégrante du **processus de consultation** qui suivra la publication du présent document et seront finalisées en concertation avec les États membres. Des exemples des fiches proposées sont placés en annexe 1 de la présente communication.
27. La Commission envisage d'inviter chaque État membre à désigner des **points de contact** au niveau national. Ceux-ci joueront un rôle important de coordination des réponses au plan national et travailleront en concertation avec les services de la Commission.
28. En ce qui concerne la **législation de l'UE**, les indicateurs et le système d'évaluation contenus dans les fiches d'information se concentreront sur les résultats concrets de l'application de la législation et non sur le niveau de transposition en droit national ou sur l'impact du droit communautaire sur les systèmes juridiques nationaux. Ces derniers font partie des principaux objectifs du «tableau de bord Plus», qui évalue la transposition et la mise en œuvre plutôt que le degré de réalisation des objectifs.
29. En ce qui concerne les **programmes de financement** de l'UE, les fiches d'information se baseront sur les **rapports d'évaluation et de mise en œuvre existants** qui sont rédigés en application du règlement financier et de la base juridique concernée. Comme les informations sur les programmes de financement requises par les fiches devraient être disponibles, la contribution demandée aux États membres ne devrait être que minimale.

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<sup>10</sup> Voir le paragraphe 30.

<sup>11</sup> Voir le point 3.3.

#### 4.1.2. *Élaboration de rapports*

30. Après réception des fiches et consultation avec les parties prenantes, la Commission validera les données reçues et établira un «**rapport d'évaluation**» dans lequel elle regroupera et analysera les renseignements fournis. Ce rapport d'évaluation inclura aussi des **recommandations politiques** concernant les différents domaines traités.
31. Le but de l'exercice est d'évaluer les politiques mises en œuvre au niveau de l'UE en matière de liberté, de sécurité et de justice et d'identifier les domaines devant faire l'objet d'une **évaluation stratégique approfondie**.

#### 4.1.3. *Évaluations stratégiques des politiques*

32. À la suite du rapport d'évaluation et après de nouvelles consultations, des **évaluations stratégiques approfondies des politiques** pourront être effectuées dans des **domaines sélectionnés**. Ces évaluations viseront à dégager en temps utile des informations pertinentes pour éclairer la prise de décision dans chaque domaine politique.
33. Les évaluations stratégiques devraient apporter une valeur ajoutée par rapport aux pratiques actuelles décrites dans l'annexe 2, notamment:
  - (a) en se concentrant sur les **politiques** (ou des sous-ensembles cohérents) plutôt que sur des instruments particuliers (par exemple, la politique d'immigration commune);
  - (b) en analysant la **cohérence** des différents instruments à l'intérieur d'une politique donnée (par exemple, comment les programmes financiers soutiennent et facilitent la mise en œuvre de la législation de l'UE dans un domaine précis);
  - (c) en examinant comment une politique donnée contribue à l'**objectif global** de mise en place d'un espace de liberté, de sécurité et de justice;
  - (d) en déterminant le **taux de réalisation** global de cet objectif général; et
  - (e) en évaluant la réalisation d'un objectif de portée générale en matière de liberté, de sécurité et de justice (par exemple, la préservation des droits fondamentaux).

#### 4.2. **Fréquence et suivi**

34. La répétition de l'exercice à intervalle régulier permet d'identifier les progrès réalisés et d'effectuer des comparaisons. En ce qui concerne le calendrier, il est proposé de procéder à cet exercice d'évaluation («fiches» et «rapport d'évaluation») **deux fois tous les cinq ans**. La Commission s'appuiera autant que possible sur les informations disponibles.
35. La proposition tient compte de ce que ce mécanisme:
  - (a) devrait fonctionner sur une **base régulière**;

- (b) ne devrait pas être trop lourd;
- (c) n'a pas besoin d'avoir lieu chaque année étant donné qu'il porte sur des indicateurs de réalisations et de résultats qui évoluent lentement ainsi que sur des données à moyen terme;
- (d) devrait être coordonné avec les plans stratégiques et pluriannuels **existants**.

36. En particulier, le calendrier proposé permettrait aussi au Conseil et à la Commission d'utiliser les résultats des rapports d'évaluation dans l'appréciation qu'ils feront de la nécessité de préparer un nouveau programme stratégique en 2009, à l'expiration du programme de La Haye.

37. La publication du rapport d'évaluation tous les deux ou trois ans permettra de synchroniser le mécanisme avec le cycle quinquennal. Cela favorisera une utilisation plus poussée et plus stratégique des résultats des évaluations dans la prise de décision. Les années 2006 et 2007 constitueront une période de transition (voir tableau ci-dessous).

38. Pour les besoins de la coordination avec le «tableau de bord Plus», il est prévu de transmettre les fiches aux États membres à la fin de l'année 2006 et de publier le rapport d'évaluation en même temps que la deuxième édition de ce «tableau de bord Plus», c'est-à-dire à la mi-2007.

Calendrier	Tableau de bord Plus (TB)	Mécanisme d'examen	Plan d'action
2005			Adoption du plan d'action de La Haye
2006	TB + 1		Évaluation intermédiaire de la mise en œuvre (fin 2006)
2007	TB + 2	Rapport d'évaluation 1	Premier réexamen des politiques
2008	TB + 3		
2009	TB + 4	Rapport d'évaluation 2	
2010	TB + 5		Fin du programme de La Haye
2011	TB + 6		
2012	TB + 7	Rapport d'évaluation 3	
2013	TB + 8		
2014	TB + 9	Rapport d'évaluation 4	

(période de transition en grisé)

39. Une évaluation des **coûts additionnels pour les États membres** est jointe dans l'analyse d'impact annexée. Les États membres sont encouragés à travailler, avec l'appui de la Commission, à la **comparabilité et à la précision de leurs données**. En effet, l'évaluation d'un certain nombre d'instruments législatifs a montré, récemment, qu'il arrivait que les données de base concernant les politiques ne soient ni harmonisées ni exactes. Les évaluations ponctuelles des politiques en matière de liberté, de sécurité et de justice effectuées par le Conseil ou la Commission constitueront une source d'informations supplémentaire.
40. La présente communication doit marquer le **lancement d'un processus à moyen terme**. Le mécanisme proposé et les fiches d'information sont présentés pour qu'ils puissent faire l'objet d'observations et d'améliorations durant la période qui suivra la communication. A cette fin un large processus de consultation sera lancé, avec notamment l'organisation d'une conférence pendant l'automne.
41. Le mécanisme donnera lieu à une **évaluation** après cinq ans, pour décider des ajustements et améliorations éventuels à apporter au système. Les réalisations à prendre en considération seront les fiches et rapports indiqués dans l'encadré 2. L'évaluation se fera par rapport aux objectifs énoncés au paragraphe 3.

## 5. CONCLUSIONS

42. La Commission estime nécessaire de mettre en place un **mécanisme global et cohérent d'évaluation** des politiques de l'UE en matière de liberté, de sécurité et de justice, compte tenu de la situation actuelle et du mandat qui lui est confié dans le programme de La Haye. Un tel mécanisme devra être **progressif** et prendre en considération l'**évolution du cadre institutionnel et juridique** pour conduire à un nouveau renforcement des politiques en matière de liberté, de sécurité et de justice et assurer leur efficacité.
43. Le mécanisme permettra de regrouper les résultats d'évaluations ponctuelles dans un cadre cohérent, apportant par là des informations qui aideront la prise de décision politique au niveau approprié. À cet égard, le mécanisme proposé fournira aussi aux responsables des **informations pertinentes en temps utile** pour décider de la suite à donner au programme de La Haye à son expiration en 2009.
44. Le mécanisme proposé sera mis en œuvre par la Commission et le Conseil, conformément à leurs prérogatives institutionnelles et en association étroite avec le Parlement européen. Une **action concertée** et un **engagement total** des institutions de l'UE comme des États membres seront nécessaires pour mener à bien la création et la mise en œuvre du mécanisme d'évaluation, les autorités et administrations nationales jouant à cet égard un rôle capital.
45. Enfin, un tel mécanisme contribuera à rendre plus efficace l'action de l'Union et à réaliser des objectifs stratégiques tels que la **simplification de la réglementation** et la **transparence des activités de l'UE**.

## ANNEX 1

### Factsheet of JLS policies

<p><b>POLICY AREA: EXTERNAL BORDERS, VISA POLICY AND FREE MOVEMENT OF PERSONS</b></p> <p><b>Factors influencing evaluation mechanism:</b> well established policy area, 1<sup>st</sup> pillar activities, there is a strong consensus amongst stakeholders for EU level action; there is a mix of instruments (legislative activities, co-operation activities, programme funding, functioning Community Agency, IT systems); possible to construct evaluation indicators, but might be hard to measure outcomes and results and causal links in practice. Methods to evaluate controls at borders are improving, including available administrative information and statistics. Some constraints on fully independent evaluation. There are strong interlinkages between the instruments within the ABB activity and strong potential for ‘thematic’ evaluation examining instruments in parallel.</p>
<p><b>Policy sub-area 1: External borders</b></p>
<p><b>Objectives:</b></p> <ul style="list-style-type: none"><li>Develop an integrated external border management system</li><li>Ensure uniform high standards of border checks and border surveillance at EU external borders</li><li>Reduce number of illegal cross border movements of people</li><li>Further ‘burden sharing’ in management of external borders</li></ul>
<p><b>Policy sub-area level indicators:</b></p> <p>The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of all third country national border crossings into EU (<i>Source: Commission - Eurostat statistics on asylum and migration</i>)</p> <p>The difference between the numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of</p>

<p>all third country national border crossings into EU through the most permeable and least permeable border. Note that this indicator would require to define the most and least permeable EU border.</p> <p>The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally (<i>Source: Commission - Eurostat statistics on asylum and migration</i>)</p> <p>The proportion of all resource commitments to external border management originating in countries without EU external borders (<i>Source: MS</i>)</p>					<p><b>Specific issues /comments</b></p>	
<p><b>Main instruments</b></p> <p>Schengen Information System (SIS) II</p>	<p><b>Objectives</b></p> <p>Sharing of information among MS in order to refuse entry on the basis of uniform practices</p>	<p><b>Implementation at national level</b></p> <p>Consistent input and further use of information among MS</p>	<p><b>Indicators/evaluation questions</b></p>		<p>Clear intervention logic.</p> <p>Evaluation methods – analysis of trends and process changes.</p> <p>Commission responsible for co-evaluation and ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS.</p>	
			<p><b>Immediate results</b></p> <p>Quality and availability of SIS II information for competent national authorities</p> <p><i>Measured by:</i></p> <p>Number of records per category</p> <p>(<i>Source: MS and Commission</i>)</p>	<p><b>Outcomes</b></p> <p>Success in using SIS information.</p> <p><i>Measured by:</i></p> <p>Number of correctly identified persons who should be refused entry and wanted goods discovered</p> <p>(<i>Source: MS</i>)</p>		<p><b>Impacts</b></p> <p>Reduced permeability of the external border.</p> <p>Increased confidence to promote ‘free movement’ policies.</p>

European Agency for Management of Operational Co-operation at the External Borders (FRONTEX)	Improvement of operational cooperation between Member State authorities Increased competences of border guards	Co-operation with Agency and responses to good practice, training and other advice.	Operational cooperation <i>Measured by:</i> Number of joint operations and pilot projects carried out <i>(Source: Agency)</i> Development of risk analysis <i>Measured by:</i> Number of risk analyses carried out <i>(Source: Agency)</i> Increased training <i>Measured by:</i> Number of border guards trained Number of training courses	Improvement of border control <i>Measured by:</i> Effective joint operations <i>(Source: Agency)</i> Increased intelligence <i>Measured by:</i> Use of risk analyses by national services <i>(Source: MS)</i> Better trained border guards <i>Measured by:</i> Use of newly acquired skills <i>(Source: MS)</i>	Improved resource deployment at external borders (due to better intelligence) Reduced permeability of external borders (due to better trained staff)	Difficult to assess causality of intervention. Evaluation methods – case studies, follow up surveys. EU leading the evaluation. (Other EU Agency evaluations have tended to be process rather than impact oriented)
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<p>Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)</p>	<p>To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions</p> <p>To promote the uniform application of Community law</p> <p>To encourage transparency of actions taken by the national authorities</p> <p>To improve the overall efficiency of national</p>	<p>Disbursement rate/amount spent per year</p>	<p>seminars offered (Source: Agency)</p> <p>Successful implementation of programme measured by:</p> <p>Number of projects implemented per activity area</p> <p>Number of training actions implemented</p> <p>Number of staff exchanges implemented</p> <p>Number of actions promoting data exchange implemented</p> <p>Number of studies, conferences and seminars conducted (Source: Commission)</p>	<p>Increased cooperation between national administrations and with third countries <i>Measured by:</i></p> <p>Number of common operative centres and joint teams set up</p> <p>Number of cooperation activities in third countries set up (Source: Commission)</p>	<p>Uniform application of Community law</p> <p>Improved transparency of actions taken by national authorities</p> <p>Improved efficiency of national administrations</p>	<p>Mid-term evaluation to be completed by July 2006.</p>
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Teams of national experts	administrations in their tasks	Secondment of experts to teams.	Provision of technical and operational assistance. <i>Measured by:</i> number of assignments carried out by teams <i>(Source: Agency)</i>	Improved practice in border surveillance. <i>Measured by:</i> use of results of teams' work in border surveillance and efficiency of teams <i>(Source: Agency and MS)</i>	Reduced permeability of external borders (due to assistance to staff)  Facilitated legitimate travel	Evaluation methods – case studies, qualitative analysis.
Further objectives of FRONTEX agency: Better deployment of resources in circumstances requiring special assistance Increased competences of border guards						

**Policy sub-area 2: Visa policy and free movement of persons**

**Objectives:**

Prevent illegal immigration and threats to public order

Reduce time taken and costs of acquiring visas for legitimate travellers.

Reciprocation with third countries on visa waivers.

Reduce number of visas given to travellers who become overstayers and illegal migrants

Abolish controls at internal EU borders

<b>Policy sub-area level indicators:</b>						
The average time taken from application to receipt of (a particular class of) visa ( <i>Source: MS, VIS</i> )						
The average costs (fees) for (a particular class of) visa ( <i>Source: MS, VIS</i> )						
The number of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question ( <i>Source: Commission</i> )						
The total population of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question ( <i>Source: Commission</i> )						
The number of EU internal border crossings that are subject to controls ( <i>Source: MS</i> )						
<b>Main instruments</b>	<b>Objectives</b>	<b>Implementation at national level</b>	<b>Indicators/evaluation questions</b>			<b>Specific issues /comments</b>
			<b>Immediate results</b>	<b>Outcomes</b>	<b>Impacts</b>	
Common application centres (for Schengen countries)	<p>Render the reception of visa applications more efficient through a better allocation of resources.</p> <p>Reduce costs in relation to capturing of biometrics.</p> <p>Harmonisation of reciprocal</p>	<p>Commitment to the centres.</p> <p>Participation in setting up the centres.</p>	<p>Number of centres established and MS involved (<i>Source: MS</i>).</p> <p>Number of visas issued through the centres (<i>Source: MS</i>).</p>	<p>Increased efficiency of providing visa services.</p> <p><i>Measured by:</i> time taken to issue visas (<i>Source: MS</i>)</p> <p>(<i>Source: MS</i>).</p> <p>Improved use of visa related</p>	<p>Reduced costs to visa applicants.</p> <p>Reduced costs to administrations.</p> <p>Increased bone fide travel.</p>	<p>Evaluation method – efficiency analysis.</p> <p>Potential evaluation leadership from the MS and use of peer review process.</p>

<p>Visa Information System</p>	<p>procedures by MS</p>	<p>Implementation at the national level, including the development/adaptation of national systems.</p>	<p>Number of number of visas refused, annulled, revoked, processing times (Source: Commission). Availability rate (Source: Commission)</p>	<p>information (Source: MS). Retention and sharing of data from visa applications and related decisions. Measured by: number of entries in VIS (Source: Commission). Measured: number of analyses conducted using VIS data (Source: Commission).</p>	<p>Improvement of application procedures, checks at the external borders and within the Schengen territory, of the application of the Dublin II Regulation, of the identification of illegal immigrants and of the detection of fraud. Facilitated legitimate travel.</p>	<p>Monitoring and evaluation, by the Commission at EU level.</p>
<p>The reciprocity mechanism (Council Regulation</p>	<p>To ensure EU citizens can travel without a visa to all third countries whose nationals</p>	<p>Co-operation with the Commission, information sharing on bilateral dialogue with</p>	<p>Number of third countries who have waived visa requirements for EU nationals</p>	<p>Improved reciprocity measured by percentage of decrease of non-</p>	<p>Facilitated legitimate travel for EU travelers</p>	<p>Diplomatic efforts on EU level vis-à-vis third countries concerned.</p>

851/2005)	don't need a visa to travel to the EU.	third countries	<i>(Source: Commission)</i>	reciprocity cases Improved dialogue and diplomatic contacts with third countries		The first Report of the Commission on reciprocity in visa waivers was adopted on 10 January 2006
Council Regulation on a Border code	To implement common rules governing the movement of persons across borders, to include both rules on checks at external borders and rules on the removal of checks on persons at internal borders and the reintroduction of such checks in certain circumstances.  To improve integrated border management	Application in MS that apply the Schengen acquis	Harmonisation of rules governing the movement of persons at internal and external borders  <i>(Source: Commission)</i>	Improved border management and control	Improved control of external borders Facilitated travel within the Schengen acquis	This regulation was adopted recently – February 2006.

<b>POLICY AREA: CITIZENSHIP AND FUNDAMENTAL RIGHTS</b>
<p><b>Factors influencing evaluation mechanism:</b></p> <p>Relatively new policy area in JLS (although the citizenship policy as such is an established area in the EC/Commission activities), 1<sup>st</sup> pillar activities, a combination of instruments (legislation, funding programmes, new Community Agency). The nature of the instruments and their objectives leads to reliance on qualitative evaluation methods. However, there is scope for further improvements to the information base through surveys and the development of statistics. The objectives within the policy area are wide ranging and the sub policy areas as defined below are not distinct. There is some scope for evaluating sub sets of instruments in parallel.</p>
<p><b>Policy sub-area 1: Citizenship of the Union</b></p>
<p><b>Global objectives:</b></p> <p>Increase awareness of Union citizens of their rights and of the ways these can be enforced</p> <p>Decrease any obstacles for the enjoyment of their rights by Union citizens, in particular of the right to free movement and residence</p> <p>Increase participation of EU citizens in democratic life in the Union</p> <p>Facilitate the diplomatic and consular protection offered to the Union citizens in third countries</p>
<p><b>Policy sub-area level indicators:</b></p> <p>Levels of citizens' awareness of their rights and mechanisms of redress (<i>Source: Surveys and Eurobarometer reports</i>)</p> <p>Instances of right to free movement and residence hindered (<i>Source: complaints made to Commission</i>)</p> <p>Rates of voting registration and participation – percentage of increase/decrease (<i>Source: Member States</i>)</p> <p>Number of citizens standing for election to public office – percentage of increase/decrease (<i>Source: Member States</i>)</p>

Instances of use and complaints from EU citizens over levels of consular protection (Source: Member States)						
Main instruments	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Directive 2004/38/EC on free movement and residence	Clarify and simplify existing Community law in field	Transposition into national legal systems	Relevant national laws adopted in line with Directive provisions and notified the Commission by 30.4.2006 together with a table of conformity. (Source: Commission)	Correct application of rules and provisions contained in the law  <i>Measured by:</i> number of court cases/complaints resulting from the Directive (Source: Commission)	Facilitated free movement and residence	Evaluation by the EU.  Would benefit from strong involvement of MS in evaluation
Community legislation on the EP elections and on the right of non-national Union citizens' electoral rights in their country of residence	Ensure that the EP elections are conducted according to the basic principles of democratic elections  Ensure the participation of non-national Union citizens to the EP elections and to the	Transposition into national legal systems	Relevant national laws adopted in line with provisions of Community law and notified to the Commission (Source: Commission)	Correct application of rules and provisions contained in the law  <i>Measured by:</i> number of court cases/complaints resulting from the legislation (Source: Commission)	EP elections carried out democratically.  Non-national Union citizens participate in the elections on the same conditions as nationals in EP elections and in municipal	

Fundamental Rights and Citizenship programme (part of Citizenship)	municipal elections Improve awareness of citizenship of the Union and related rights Encourage citizens to participate to actively democratic life	Implementation of measures and projects.	Number of projects supported (studies conducted, activities undertaken) <i>(Source: programme monitoring system)</i> Number of 'beneficiaries' reached <i>(Source: programme monitoring system)</i>	Improved intelligence base <i>Measured by:</i> use of analytical results by policy makers <i>(Source: Commission and MS)</i> Dissemination of good practice in voter education and activation. <i>Measured by:</i> level of awareness of Programme's outputs <i>(Source: MS)</i>	elections. Improved awareness of Union citizenship and related rights amongst citizens. Increased participation in democratic life.	Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.
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**Policy sub-area 2: Fundamental Rights**

**Global objectives:**

Increase the awareness of fundamental rights amongst citizens. (This concerns the rights as protected on European Union and national level including the relevant regional and international instruments.)

Decrease instances of breaches of fundamental rights (including breaches of privacy, personal data protection and protection from violence against



children, women and youth)						
Reduce the instances of racism, anti-semitism and xenophobia						
Establish a Fundamental Rights Agency (from EUMC)						
Increase number of participants in and their commitments to civil society						
<b>Policy sub-area level indicators:</b>						
Levels of citizens' awareness of fundamental rights ( <i>Source: Surveys and Eurobarometer reports</i> )						
Instances of breaches of fundamental rights, especially as a result of EU interventions (including breaches of privacy, personal data protection and protection from violence against children, women and youth) ( <i>Source: Commission and FR Agency</i> )						
Instances of racism, anti-semitism and xenophobia ( <i>Source: FR Agency</i> )						
Time commitments of population to participation in civil society ( <i>Source: MS</i> )						
Number of civil society organisations in NMS since accession ( <i>Source: MS</i> )						
Main instruments	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		Impacts
Relevant provisions of the Treaties on European Union and on European Community	Ensure that the EU institutions and the Member States fully respect fundamental rights	Compliance of the national legislation and practices with the fundamental rights	Community legislation as well as implementing national laws adopted in compliance with the Treaty	Correct application of rights and principles contained in the Treaty <i>Measured by: number of court</i>	Decreased level of breaches of FR Increased protection of rights of citizens	

<p>Fundamental Rights and Citizenship programme (part Fundamental Rights)</p>	<p>Improve awareness of FR as protected on European and national level</p> <p>Improve research base</p> <p>Improve intensity and quality of interfaith and intercultural dialogue in MS</p> <p>Improve tolerance in the EU</p> <p>Improve quality of civil society organisations</p> <p>Improve rule of law</p> <p>Decrease breaches</p>	<p>Implementation of measures and projects.</p>	<p>Number of projects supported (studies conducted, activities undertaken)</p> <p>(Source: programme monitoring system)</p> <p>Number of 'beneficiaries' reached (Source: programme monitoring system)</p>	<p>cases/complaints resulting from the legislation (Source: Commission)</p>	<p>Improved awareness amongst citizens</p> <p>Stronger civil society in the MS</p>	<p>Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.</p>
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<p>Preparatory action to support civil society in the NMS in areas of rule of law, democracy, FR, pluralism, fight against corruption.</p>	<p>of FR in MS</p> <p>Improve quality of civil society organisations in NMS</p> <p>Improved rule of law in NMS</p> <p>Improve democracy in NMS</p> <p>Decrease breaches of FR in NMS</p>	<p>Implementation of measures and projects.</p>	<p>Number of projects supported (studies conducted, activities undertaken) (Source: programme monitoring system)</p> <p>Number of beneficiaries reached (Source: programme monitoring system)</p>	<p>Increased awareness of issues in focus under the action (Source: public surveys, opinion Commission)</p>	<p>Stronger civil society in the NMS</p>	<p>Clear intervention logic but difficult to measure outcomes and impacts, in part because of the scale and scope of the underlying objectives.</p> <p>Strong involvement of MS in evaluation</p>
<p>Daphne II programme</p>	<p>Reduce violence against children, adolescents and women</p>	<p>Implementation of measures and projects.</p>	<p>Number of projects supported (studies conducted, activities undertaken) (Source: programme monitoring system)</p> <p>Number of good practices identified (Source: programme monitoring system)</p>	<p>Increased awareness of issues in wider society (Source: public surveys, opinion Commission)</p> <p>Adoption of good practice in tackling violence (Source: MS).</p> <p>Better intelligence</p>	<p>Reduced violence against children, adolescents and women</p>	<p>Evaluation leadership by the EU.</p> <p>Major problems of data reliability at the level of impacts.</p>

Fundamental Rights Agency	Improve the availability, quality, comparability of information on respect and promotion of FR.	Participation in Agency's activities	Provision of data and analyses of FR. <i>Measured by:</i> number of analytical outputs <i>(Source: Agency)</i>	Better intelligence base. Measured by: use of analytical results by policy makers <i>(Source: Agency Commission)</i>	Decreased level of breaches of FR	Evaluations of EU agencies have tended to focus on process issues. Whilst objectives are clear it will be difficult to assess
				base. <i>Measured by:</i> use of analytical results by policy makers <i>(Source: Commission and MS)</i> Number of knowledge and practitioner communities created <i>(Source: Commission).</i> Number of improved facilities for victims <i>(Source: programme monitoring system)</i>		

	<p>Improve co-ordination between stakeholders</p> <p>Improve public awareness of their FR</p>		<p>Number of reporting activities (<i>Source: Agency</i>).</p> <p>Number of networks of stakeholders supported (<i>Source: Agency</i>).</p>	<p>Better co-ordination of activities.</p> <p>Increased public awareness (<i>Source: public opinion surveys, Agency and Commission</i>).</p>	<p>causality and measure the impacts of the agency.</p>	
Data Protection Directive	<p>Facilitate the free movement of personal information within the EU</p> <p>Protect rights of individuals</p> <p>Conclude agreements with third countries</p>	<p>Transposition of Directive into national systems</p> <p>Establishment of National Data Protection Supervisory authorities</p>	<p>Relevant national laws adopted pursuant to the Directive provisions</p> <p>(<i>Source: MS and Commission</i>)</p>	<p>Application of rules and provisions contained in the law.</p> <p><i>Measured by:</i> - Appropriate enforcement mechanisms and remedies available to ensure respect for the law and assistance to individuals through: a) Judicial remedies b) Intervention of data protection</p>	<p>Facilitated movement of personal information within the EU</p> <p>Harmonised protection of individuals at a high level (both inside the EU and in third countries for personal data transferred from the EU)</p>	<p>Evaluation leadership by the EU but in partnership with MS</p>

				supervisory authority (ex officio or following complaints) <i>(Source: MS)</i>		
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## **POLICY AREA: COORDINATION IN THE FIELD OF DRUGS**

**Factors influencing evaluation mechanism:** Activities in this policy area are cross pillar and cover a variety of areas, including health, police cooperation, information, evaluation and coordination.

The EU Drug Action Plan and EU Drug Strategy are very important documents endorsed by the Council as the basic policy framework for all drugs issues within the EU and within the context of the EU's external relations. They cover all activities in this policy area and provide the guidelines for all Member States to implement the objectives and actions they contain into national policy. The Action Plan takes its lead from the objectives of the EU Drug Strategy and translates these objectives into 80 concrete actions. It concentrates on the two major aspects of drug policy, demand reduction and supply reduction, and also covers a number of cross-cutting themes: international cooperation, research, information and evaluation. It includes actions within EU competence (public health, precursor control, money laundering and development aid) as well as close cooperation between Member States and partnerships with international organisations.

The Action Plan furthermore covers monitoring and evaluation and includes assessment tools and indicators for each action. The actions covered by the Action Plan are subject to an annual progress review by the Commission's services. Evaluation in this area is already well-established through the methods and indicators developed during the evaluation of the previous EU Drugs Strategy and Action Plan. Reliable data is available from the European Monitoring Centre on Drugs and Drug Addiction, Europol and the Commission. As with other policies relating to complex, global socio-political issues, the evaluation of the impacts of EU drug policy is a problematical and sensitive matter due to the multiple factors that have to be taken into account and for which there may not be reliable data by their very nature (e.g. figures for trafficking in illicit drugs are always rough estimates; corruption caused by trade in drugs is hidden, etc.).

### **Objectives:**

To significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs, and to strengthen international cooperation (EU Action Plan on Drugs 2005-2008)

### **Policy-level indicators:**

**The EU Action Plan contains the major legal instruments such as the Council Decision on the information exchange, risk assessment and control of new psychoactive substances, or the Framework Decision on penalties for drug trafficking. It also contains the assessment tools and indicators required for the evaluation process of these instruments and all other actions. These have been drawn up in cooperation with the**

**EMCDDA and Europol, who will help the Commission to keep track of implementation.**

**On this basis the Commission will publish an Annual Progress Review and if necessary propose adjustments. Responsibility for implementation of actions and deadlines are clearly indicated in the Plan. To keep implementation on track, targets whose deadlines have passed or are unlikely to be met will be subject to recommendations for their implementation or identification of failure to implement. The Commission will carry out an impact assessment in 2008 in view of proposing a second Action Plan for 2009-2012. A final evaluation of the Strategy and the Action Plans will be carried out by the Commission in 2012. These evaluations will go beyond the strict confines of the Action Plan and will include, on the basis of the work of the EMCDDA and Europol, a general view of the evolution of the drugs situation in Europe.**



**POLICY AREA: COMMON IMMIGRATION AND ASYLUM POLICIES**

**Factors influencing evaluation mechanism:** New policy area. 1<sup>st</sup> pillar activities. Interventions include legislation, programmes and cooperation activities. Good, comparable data is required and is planned. MS consensus about broad aims but not at individual instrument level. Impacts of these instruments on third-countries, and in particular development countries, to be considered.

**Policy sub-area 1:** Common European Asylum System

**Objectives:**

To establish a common asylum procedure and uniform status,

To facilitate practical and collaborative cooperation,

To address pressures on asylum systems and reception capacities.

**Policy sub-area level indicators:**

Number of asylum seekers applying for asylum in Member States other than the country of first entry (Source: Eurodac)

Instances of MS breaching minimum defined standards (Source: Commission)

Differences in standards of reception between Member States (Source: Commission)

Differences between Member States with regard to the average time taken to determine the outcome of an application for asylum (Source: MS and Commission)

Comparison of asylum acceptance rates among Member States<sup>12</sup> (Source: Commission - Eurostat)

Differences in the level of capacity per Member State (asylum systems and reception facilities) relative to needs (Source: Member States)

Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		
Dublin Regulation (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for	To reduce 'asylum shopping' To increase responsibility sharing among	Adoption of measures implementing the Regulation at national level	Number of take back requests (Source: Commission – Eurostat) Number of applicants sent to another Member State (Source:	Decreased delay in the examination of claims and attribution of responsibility Measured by:	Increased sharing of responsibility Greater efficiency and effectiveness in implementing decisions on transfers	Numbers are available through Eurodac which allows for an assessment of trends. Evaluation of the 'Dublin

<sup>12</sup> Asylum acceptance rates can at the moment only be roughly estimated with the data currently available, as asylum decisions in one year often relate to applications made in earlier years.

<p>determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national)</p>	<p>MS. To increase efficiency by granting MS a realistic period in which to implement decisions on transfers.</p>		<p>Commission (Eurostat) Number of multiple claims (Source: Commission Eurostat) Number of registered irregular entrants (Source: Commission Eurostat) Proportion of cases dealt within country of entry (Source: Commission Eurostat)</p>	<p>average delay of examination before and after implementation of the Regulation (Source: MS) Decreased delay to implement decisions on transfers Measured by: average delay of transfer before and after (Source: MS)</p>	<p>Reduction of persons making multiple claims</p>	<p>System' will be ready in June 2006.</p>
<p>Eurodac</p>	<p>To facilitate application of the Dublin Regulation by identifying asylum seekers and persons who have entered the EU irregularly. To determine whether a</p>	<p>Member States to send required data to central unit.</p>	<p>Efficiency of the system Measured by: Number of records per Member State (Source: Eurodac) Number of successful and rejected transactions recorded in the system (Source:</p>	<p>Increased number of asylum applications being examined in the first country of asylum/entry Measured by: Percentage rate of change before</p>	<p>Improved efficiency in applying the Dublin Regulation</p>	<p>Difficult to judge whether MS use system correctly and systematically. Some scope for peer review but there could be constraints on independent evaluation. Evaluation is</p>

<p>Qualification Directive (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the</p>	<p>foreign national has previously claimed asylum in another MS.</p>		<p><i>Eurodac</i>)</p>	<p>and after introduction of the system (<i>Source: MS</i>) Reduction of persons making multiple claims <i>Measured by:</i> Percentage rate of change before and after (<i>Source: MS</i>)</p>		<p>underway of the 'Dublin system' which considers both the Regulation and Eurodac.</p>
<p>To ensure a minimum level of protection in all Member States for those in need of protection. To guarantee the rights of persons qualifying for refugee status or subsidiary protection status To reduce</p>	<p>Transposition into national legal systems.</p>	<p>Reduction of disparities among Member States <i>Measured by:</i> Changes made to national legislation (<i>Source: MS and Commission</i>) Numbers of Member States achieving minimum standards or above (<i>Source: Commission</i>)</p>	<p>Reduction of false claims <i>Measured by:</i> Number of unfounded cases (<i>Source: MS</i>) Improved protection <i>Measured by:</i> Numbers granted and refugee subsidiary</p>	<p>Guarantee of a minimum level of protection across the EU Approximation of rights granted to refugees Reduction in disparities between legislation and practice Reduction of secondary movements</p>		<p>Common standards difficult to achieve as Directive allows scope for interpretation</p>

<p>content of the protection granted)</p>	<p>disparities between MS' legislation and practice. To limit secondary movements. To prevent false claims.</p>			<p>protection status (Source: MS) Improved access to rights <i>Measured by:</i> Increased numbers of refugees accessing education, services, employment, appropriate accommodation, integration programmes (Source: MS)</p>	<p>Fewer false claims Improved integration</p>	
<p>Reception Directive (Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers)</p>	<p>Ensure a dignified standard of living to asylum seekers across the EU. Address applicants special needs.</p>	<p>Transposition into national legal systems</p>	<p>Improved facilities <i>Measured by:</i> Expenditure on the improvement of reception facilities (Source: MS) Improvement of equal standards across the EU</p>	<p>Improved standard of living for asylum seekers <i>Measured by:</i> Number of asylum seekers living in appropriate</p>	<p>Approximation of standards of living for asylum seekers across the EU Improved facilities and services for asylum seekers Improved socio-vocational integration</p>	<p>Common standards difficult to achieve as Directive allows scope for interpretation. Evaluation due at the end of 2006.</p>

	<p>Ensure equal standards across the EU.</p> <p>Limit secondary movements.</p>		<p><i>Measured by:</i></p> <p>Numbers of MS achieving minimum standards or above (<i>Source: Commission</i>)</p>	<p>accommodation (<i>Source: MS</i>)</p> <p>Number of asylum seekers accessing services (<i>Source: MS</i>)</p> <p>Number of asylum seekers accessing employment and vocational activities (<i>Source: MS</i>)</p> <p>Number of specific provisions for applicants with special needs (<i>Source: MS</i>)</p>	<p>of asylum seekers</p> <p>Reduction of secondary movements</p>	
ERF II	<p>Support and encourage efforts in receiving refugees and displaced persons</p>	<p>Disbursement rate/amount spent per year</p>	<p>Increased reception capacity</p> <p><i>Measured by:</i></p> <p>Numbers of projects implemented per type of action (<i>Source: MS</i>)</p>	<p>Increased balance of effort among MS</p> <p><i>Measured by:</i></p> <p>The proportion of all resource commitments</p>	<p>Improved reception standards and conditions</p> <p>Increased access of asylum seekers to health, housing, education, services and</p>	<p>Indicators have been developed in the context of the final evaluation.</p>

	<p>Foster solidarity among MS</p> <p>Promote balance in the efforts to receive asylum seekers</p> <p>Promote the social, economic and cultural integration of target groups</p> <p>Promote voluntary return</p>		<p>Number of beneficiaries (per country of origin and target group) per type of action <i>(Source: MS)</i></p> <p>Number of reception places <i>(Source: MS)</i></p> <p>Increased capacity of services to asylum seekers</p> <p><i>Measured by:</i></p> <p>Number and type of services available <i>(Source: MS)</i></p> <p>Number of beneficiaries receiving education and training <i>(Source: MS)</i></p> <p>Increased voluntary returns</p> <p><i>Measured by:</i></p> <p>Number of voluntary returns <i>(Source: MS)</i></p>	<p><i>(Source: MS)</i></p> <p>Increased social, economic and cultural integration of target groups</p> <p><i>Measured by:</i></p> <p>Percentage of persons per target group and activity able to apply new skills (i.e. percentage of persons who benefited from vocational training in employment)</p>	<p>labour market</p> <p>Fairer and more effective procedures (including return)</p> <p>An improved balance in effort to receive asylum seekers</p>	
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<b>Policy sub-area 2: Legal and illegal migration</b>						
<b>Objectives:</b> To establish admission procedures capable of responding to fluctuating demands for migrant labour						
<b>Policy sub-area level indicators:</b>						
Skill shortages in vocations and professions (Source: Commission - Eurostat, MS Labour Force Surveys, EEO)						
Employment rates amongst migrant groups (Source: Commission - Eurostat, MS Labour Force Surveys)						
Estimation of the numbers of migrants overstaying the duration of their work permits (Source: MS)						
Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		Impacts
Family reunification Directive (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification)	Determine conditions for the exercise of the right to family reunification by TCNs.	Transposition into national legal systems.	Reduction of disparities among Member States <i>Measured by:</i> Changes made to national legislation (Source: MS and Commission)	Improved efficiency of procedures <i>Measured by:</i> Number of family members reunited (Source: MS)	Facilitated procedures for family reunification Protection of right to family life	Common standards difficult to achieve as Directive allows for interpretation.
			Numbers of MS achieving minimum standards or above (Source: Commission)	Reduced length of process: average delay before and after (Source: MS)		



<p>Directive on status of TCNs as long-term residents</p>	<p>Approximate national laws by creating a single status. Ensure equal treatment of TCNs throughout the EU.</p>	<p>Transposition into national legal systems.</p>	<p>Reduction of disparities among Member States <i>Measured by:</i> Changes made to national legislation (<i>Source: MS and Commission</i>) Numbers of MS achieving minimum standards or above (<i>Source: Commission</i>)</p>	<p>Equal treatment of TCNs <i>Measured by:</i> Numbers granted/refused status (<i>Source: MS</i>) Increased number of TCNs accessing employment, education and training (rate of increase) (<i>Source: MS</i>) Increased mobility of TCNs <i>Measured by:</i> Number of TCNs moving from one MS to another (<i>Source: Commission</i>)</p>	<p>Approximation of national laws Equal treatment and application of uniform rights for TCNs across the EU Improved mobility of TCNs Improved integration of TCNs</p>	<p>Common standards difficult to achieve as Directive allows for scope for interpretation</p>
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<p>Directive on the admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service</p>	<p>To promote Europe as a world centre of excellence for studies and vocational training by promoting the mobility of TCNs to the Community for the purpose of studies</p> <p>The approximation of the Member States' national legislation on conditions of entry and residence</p>	<p>Transposition into national legal systems.</p>	<p>Approximation of national legislation</p> <p><i>Measured by:</i></p> <p>Changes made to national legislation (Source: MS and Commission)</p> <p>Numbers of MS achieving minimum standards or above (Source: Commission)</p>	<p>Increased mobility of TCNs to the Community for the purposes of study/vocational training</p> <p><i>Measured by:</i></p> <p>Numbers granted entry for study/vocational training/voluntary service (Source: MS)</p>	<p>Approximation of national laws</p> <p>Improved mobility of TCNs for study, vocational and volunteer purposes</p>	<p>Common standards difficult to achieve as Directive allows for scope for interpretation</p>
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**Policy sub-area 3: Integration of third-country nationals**

**Objectives:**

To prevent the isolation of certain groups and achieve successful integration of Third Country Nationals and their descendants

To fight discrimination against legally residing Third Country Nationals

To promote the exchange of experience and information						
<b>Policy sub-area level indicators:</b>						
Instances of discrimination (Source: FR Agency, MS)						
Employment rates of third country nationals (Source: Commission - Eurostat, MS)						
Employment rates of second generation migrants (Source: SOPEMI Report, MS)						
Relative income levels of third country nationals (Source: Commission - Eurostat, MS)						
Proportion of third country nationals living in poverty (Source: Commission - Eurostat, MS)						
Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
INTI preparatory actions (integration of TCNs)	Promote new and innovative ways of integrating immigrants.  To encourage co-operation between MS and the creation of transnational partnerships and networks.	Disbursement rate/amount spent per year	Successful implementation REFINE  <i>Measured by:</i> Numbers of projects and activities implemented and average sums of money involved (Source: MS + Commission)  Number of TCNs	Identification of new innovative practices  Exchange of information and best practices promoted among EU MS  Transnational networks and dialogue between	Increased cooperation among MS through networks and cooperation activities  Increased dialogue with civil society  Enhanced integration of TCNs  Development and promotion of a European framework	Integration policies are implemented mainly at regional and local levels in MS.  Differences exist among MS in terms of numbers of migrants and integration

	<p>Enhance empowerment of migrants.</p> <p>Promote dialogue with civil society.</p>		<p>benefiting projects</p> <p>Increased cooperation</p> <p><i>Measured by:</i></p> <p>Number of transnational networks set up (<i>Source: MS + Commission</i>)</p> <p>Number of new integration models identified and exchanged among MS</p>	<p>stakeholders supported among MS</p>	<p>approach on integration of TCNs</p>	<p>experience.</p> <p>Potential impacts may not be significant considering that this is a small fund with very diverse projects.</p> <p>Final evaluation is planned for 2007.</p>
<p><b>Policy sub-area 4:</b> External dimension of asylum and migration</p>						
<p><b>Objectives:</b> Assist third countries in migration management, intensify MS cooperation to manage migration flows and prevent humanitarian crises, integrate migration into third country relations, develop policies that link migration, development cooperation and humanitarian assistance, intensify cooperation with third countries on southern and eastern border of EU</p>						
<p><b>Policy sub-area level indicators:</b></p>						
<p>Increase/decrease over a 5-year period of:</p>						
<p>Numbers of legal migrants by third country (<i>Source: Commission - Eurostat</i>)</p>						
<p>Numbers of illegal migrants by third country intercepted crossing an external border (<i>Source: Commission – Eurostat</i>)</p>						
<p>Numbers of visa overstayers by third country intercepted (<i>Source: MS</i>)</p>						

Numbers of asylum applications by third country (Source: Commission - Eurostat)						
Numbers of failed asylum applications by third country (Source: Commission - Eurostat)						
Numbers of failed asylum seekers returning to country of origin /other third country (Source: MS)						
Number of victims of trafficking from third countries (Source: MS)						
Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Programme for financial and technical assistance to third countries (AENEAS)	Give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows  Develop legislation in third countries on legal immigration and international protection	Not applicable (action is at Community level)	Successful implementation <i>Measured by:</i> Number of information campaigns organised on advantages of legal migration/consequences of illegal migration in third countries (Source: Commission)  Number of returnees benefiting from reintegration programmes (Source: Commission)	Development of legislation in third countries <i>Measured by:</i> New legislation passed in third countries on legal and illegal migration (Source: Commission)  Decreased number of illegal migrants entering the EU <i>Measured by:</i>	Improved management of migration flows  Decrease in illegal migration and trafficking  Increased awareness in third countries on advantages of legal migration/consequences of illegal migration  Successful reintegration of returnees	High number of external factors to the programme influence impact indicators. Causality links difficult to establish.  As action is at Community level, MS will not contribute to evaluation.  May be difficult to evaluate as this is a new area which is also

	<p>Raise public awareness in third countries on advantages of legal migration and consequences of illegal migration</p> <p>Establishment in third countries of preventive policy in the fight against illegal migration</p> <p>Readmission and durable reintegration of returnees</p>		<p>rate of decrease (<i>Source: Commission</i>)</p>	<p>highly political. A Communication on the future of the AENEAS fund was adopted in January 2006.</p>
<p><b>Policy sub-area 5:</b> Return and re-admission</p>				
<p><b>Objectives:</b> To establish an effective removal and repatriation policy based on common standards for persons to be returned in a humane manner and with full respect for their human rights and dignity.</p>				
<p><b>Policy sub-area level indicators:</b></p> <p>Increase/decrease over a 5-year period of:</p> <p>Proportion of failed asylum seekers (and illegal migrants) who are repatriated (<i>Source: MS</i>)</p>				

Numbers returned to countries subsequently deemed unsafe within a period of two years (Source: MS)						
Numbers (of labour market age) in employment in country of origin 12 months after being subject to return						
Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Preparatory actions for Return Management	To support efforts made by MS to improve the organisation and implementation of integrated return management and specific measures in the area of return management  To increase knowledge and capabilities in the area of return management  To develop co-operation between MS with respect to	Disbursement rate/amount spent per year	Number of actions implemented relating to the introduction and improvement of the organisation and implementation of integrated return management (Source: Commission)  Number of actions implemented relating to the introduction and improvement of specific measures in the area of return management (Source: Commission)  Number of actions implemented relating to the increase of knowledge and capabilities in the area of return management	Increased number of returnees  <i>Measured by:</i> rate of increase (Source: MS and Commission)  Reduction in cost of detaining illegal migrants  <i>Measured by:</i> rate of reduction (Source: MS and Commission)	The strengthening of efforts made by Member States at improving the organisation and implementation of integrated return management  Improved organisation and implementation of integrated return management  Increased knowledge and capabilities in return management  Increased cooperation between MS and countries of return with respect to return management	

	<p>return management as well as co-operation with countries of return</p> <p>To promote sustainable return, thereby avoiding secondary movements</p>		<p>(Source: Commission)</p>	<p>Reduction in illegal migrants living in the Member States (overstayers)</p> <p>Increased removal of illegal third country nationals</p> <p>Decrease secondary movements</p> <p>Improved return conditions</p>	
<p>Re-admission agreements</p>	<p>To facilitate the return of their own country persons residing without authorisation in a Member State.</p> <p>To combat illegal immigration</p> <p>To improve the effectiveness of return</p>	<p>(These are reciprocal agreements between the EU and third countries.)</p>	<p>Successful implementation of the agreements</p> <p>Measured by: Number of persons readmitted to third countries covered by the agreements</p>	<p>Increased number of returnees</p> <p>Measured by: rate of increase (Source: Commission and MS)</p> <p>Reduction in cost for detaining illegal migrants</p> <p>Measured by: rate of reduction (Source: MS)</p>	<p>Decrease in illegal immigration</p> <p>Improved effectiveness of return procedures</p> <p>Agreements have been signed with Hong Kong, Macao, Albania, Sri Lanka and Russia. Others are currently being negotiated.</p>



	procedures					
<b>Policy sub-area 6: Horizontal issues</b>						
Main instrument (and type of instrument)	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Proposed mutual information procedure on national immigration and asylum measures	Enhance mutual information of national immigration and asylum policies between MS policy-makers	Cooperation by MS	Successful implementation of procedure <i>Measured by:</i> Number of national measures submitted through the system Number of responses generated to requests for information (Source: MS + Commission) Meetings organised (Source: MS + Commission)	Increased knowledge of other Member State policies and measures	Anticipation of effects of changes to other national policies Better understanding of other national contexts could lead to an enhancement of the possibilities for harmonisation	Procedure yet to be implemented. Implementation could start in 2007.
European Migration Network	Provide the Community and MS with objective,	Organisation of activities at national level by national contact	Successful implementation of network	Better and faster access to information on migration and	Increased knowledge and understanding of the migration phenomenon at	Proposal and impact assessment due by September

	reliable and comparable information on migration and asylum.	points	<p><i>Measured by:</i></p> <p>Number of products produced (<i>Source: MS + Commission</i>)</p> <p>Number of meetings and conferences held (<i>Source: MS + Commission</i>)</p> <p>Number of networks set up at national level (<i>Source: MS</i>)</p>	<p>asylum</p> <p>Increased knowledge of issues at national level</p> <p>Increased information sharing between actors</p>	<p>Member State and EU level</p> <p>Increased capacity to “anticipate” migratory developments</p>	2006 for a Council Decision on the future EMN.
Proposed Regulation on Community statistics on migration and international protection	Improve the statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.	Adoption of measures at national level	<p>Successful implementation of Regulation</p> <p><i>Measured by:</i></p> <p>Increased proportion of statistical data items supplied according to the harmonised definitions as opposed to national definitions (<i>Source: MS</i>)</p> <p>Increased proportion of statistical data items directly based on</p>	<p>Increased availability of data</p> <p>Improvement to quality and comparability of data between Member States</p> <p><i>Measured by:</i></p> <p>Improvements in the completeness, timeliness and degree of harmonization of</p>	<p>Improved analyses of data</p> <p>Improved knowledge of statistical</p>	<p>Regulation will probably be adopted in 2006. First reference year for the statistics will be 2008.</p>

			<p>appropriate data sources as opposed to statistical estimations (Source: Commission - Eurostat))</p>	<p>migration and asylum data supplied to the Commission - Eurostat (Source: Commission - Eurostat)</p>		
<p>Action Programme for cooperation in the fields of external borders, visas, asylum and immigration (ARGO)</p>	<p>To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions</p> <p>To promote the uniform application of Community law</p> <p>To encourage transparency of actions taken by the national</p>	<p>Disbursement rate/amount spent per year</p>	<p>Successful implementation of programme measured by:</p> <p>Number of projects implemented per activity area</p> <p>Number of training actions implemented</p> <p>Number of staff exchanges implemented</p> <p>Number of actions promoting data exchange implemented</p> <p>Number of studies, conferences and seminars conducted</p>	<p>Increased cooperation between national administrations and with third countries</p> <p>Measured by:</p> <p>Number of common operative centres and joint teams set up</p> <p>Number of cooperation activities in third countries set up</p> <p>(Source: Commission)</p>	<p>Uniform application of Community law</p> <p>Improved transparency of actions taken by national authorities</p> <p>Improved efficiency of national administrations</p>	<p>Mid-term evaluation to be completed in July 2006.</p>

	<p>authorities</p> <p>To improve the overall efficiency of national administrations in their tasks</p>		<p><i>(Source: Commission)</i></p>			
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## **POLICY AREA: ESTABLISHING A GENUINE EUROPEAN AREA OF JUSTICE IN CRIMINAL AND CIVIL MATTERS**

### **Factors influencing evaluation mechanism:**

The policy area includes both first pillar (civil justice) and third pillar (criminal justice) matters. The main instruments are legislation including the introduction of new legal instruments and activities to stimulate judicial cooperation. Evaluation should cover the implementation of mutual recognition instruments and the various flanking (confidence building) measures that make mutual recognition possible. The potential to identify the causal links between the interventions and the achievement of objectives is greater within civil matters than criminal matters. Information on the scale and nature of the relevant (cross border) civil and criminal matters is however poor. The instruments in both sub policy areas are potentially reinforcing. The classification of the instruments within the civil matters sub policy area relate to both process (cooperation and procedures) and to substantive problems addressed by the instruments (cross border disputes and breakdown of international marriages). There is also a miscellaneous sub category. The achievement of a European area of justice in criminal matters may be constrained by continued variations in definitions of crimes and penalties. Several of the instruments mentioned under civil matters are 'forthcoming'. They are included however because they illustrate aspects of the evaluation challenges in this policy area. The Judicial training instrument is relevant to both sub policy areas. There are close links between the instruments and objectives of the policy sub area 2 Criminal matters, and the objectives and activities in the policy area: law enforcement cooperation, prevention and fight against organised crime. Also, it should be noted that adjustments to the indicators put forward in criminal matters may take place in light of the implementation of the forthcoming Action Plan on statistics in the field of crime and criminal justice (see more expanded reference on page 49).

### **Policy sub-area 1: Civil matters**

#### **Objectives:**

- To increase mutual recognition and enforcement of judicial decisions
- To establish clear rules on jurisdiction and applicable law
- To reduce the costs of resolving cross border disputes
- To increase the likelihood that cross border disputes are resolved
- To reduce the likelihood of cross border disputes arising

To reduce the negative consequences of breakdowns in ‘international’ marriages and prevent child abduction						
<b>Policy sub-area level indicators:</b>						
Number of mutually recognised judicial decisions						
Average costs (of different types) of cross-border disputes						
Number of cross-border cases not resolved						
Spouses’ (perceptions of) costs of international divorces						
The number and amount of cross-border maintenance claims not paid						
<i>Source: MS</i>						
Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		
<i>Horizontal cooperation activities</i>						
Specific programme ‘Civil justice’ (Framework Programme 2007-2013 Fundamental Rights and Justice)	To increase mutual confidence of judicial actors.	Participation in and support for cooperation programme.	Number of meetings, workshops. Numbers of legal, judicial and administrative authorities involved in cooperation.	Increased knowledge of Member States legal and judicial systems in civil matters. Measured by: Levels of knowledge	Mutually recognised decisions acted upon/ enforced. Increased legal certainty. Improved access to justice.	Establishing causal links between the interventions and outcomes and impacts will be problematic
	To increase instances of mutual recognition.					
	To reduce application of					

	intermediate procedures.		<i>Source: programme monitoring system</i>	amongst relevant authorities ( <i>Source: MS surveys</i> )	Decreased costs and time spent in accessing justice due to disparities in civil law and civil procedures.	
European judicial network in civil and commercial matters	To improve and facilitate co-operation in civil justice matters  To facilitate access to justice and information  To reduce costs of access to information on international and European law and national judicial systems by EU nationals (and therefore increase access).	Participation in and support for cooperation programme.	Meetings, publications website.  Numbers of legal actors involved in cooperation.  <i>Source: Network management reports (Source: Commission)</i>	Hits and usage of website ( <i>Source: Commission</i> )	Improved access to justice and quality of advice on cross (internal) border issues.  Improvement of judicial cooperation between MS and courts	Establishing causal links between the interventions and outcomes and impacts will be problematic
<i>Rules on procedures</i>						
Regulation on jurisdiction and the recognition	To harmonise national rules of conflict of	Implementation	Harmonised Community rules	Simpler and quicker procedures to recognise and	Better and quicker access to justice	Clear intervention logic

and enforcement of judgements in civil and commercial matters (Brussels I 44/2001)	jurisdiction To simplify procedures for recognition and enforcement of judgements from MS		(Source: MS reporting to Commission)	enforce the judgements Measured by: Length of time taken to recognise and enforce the judgements (Source: MS)	Prevent conflict of jurisdiction	
Regulation on taking evidence in civil and commercial matters (1206/2001)	To improve, speed up procedures for taking evidence between the courts of different MS	Implementation	Establishment of facilitated cross-border procedures between courts in different MS for taking evidence (Source: MS reporting to Commission)	Quicker and more efficient judicial procedures Measured by: Length of time taken to take evidence between courts (Source: MS)	Better and quicker access to justice	Clear intervention logic.
Regulation on the service of documents in civil and commercial matters (Regulation 1348/2000)	To increase efficiency and speed in judicial procedures To improve and expedite the transmission of	Implementation	Establishment of common rules on transmission of judicial and extrajudicial documents between	Quicker and more efficient judicial procedures Measured by: Length of time taken to transmit	Better and quicker access to justice Quicker judicial procedures	Clear intervention logic.



	documents between MS		MS( <i>Source: MS reporting to Commission</i> )	the documents and enforce judgements ( <i>Source: MS</i> )	
Directive on legal aid in cross-border disputes (Council Directive 2003/8/EC)	To guarantee adequate level of legal aid in cross-border disputes through establishing minimum common standards between MS	Implementation	Minimum common standards relating to legal aid in cross-border disputes ( <i>Source: MS reporting to Commission</i> )	Adequate levels of legal aid in cross-border disputes ( <i>Source: MS</i> )	Improved access to justice, especially of vulnerable groups
					Clear intervention logic.
<i>Resolution of cross border disputes</i>					
European payment order (forthcoming)	To reduce the costs and time taken to make payments. To increase the number of cross-border orders for payment	Implementation	Numbers of cross-border orders for payment made	Reduction of intermediate procedures	Reduced costs and time of litigation in cross-border cases concerning uncontested pecuniary claims. Improved access to justice. Facilitated recovery of cross-border debts
					Establishing causal links between the interventions and outcomes and impacts will be problematic. Proposal yet to be adopted.

European enforcement order for uncontested claims (Regulation 805/2004)	To enable quick and efficient enforcement of an uncontested claim between MS	Implementation	Number of applications of European enforcement order in EU MS <i>(Source: MS)</i>	Quicker and more efficient enforcement of uncontested claims in another MS Measured by: Length of time needed to enforce such a claim <i>(Source: MS)</i>	Reduced costs and time in such cross-border cases Improved access to justice	Establishing causal links between the interventions and outcomes and impacts will be problematic
Instrument on Alternative Dispute Resolution (ADR)	To reduce the costs of dispute resolution To facilitate recourse to mediation by improving legal certainty	Implementation	More possibilities and better awareness of possibilities for ADR	More attempts to use ADR	Reduced costs of dispute resolution More disputes resolved without going to court	Establishing causal links between the interventions and outcomes and impacts will be problematic
Instrument on small claims	To facilitate cross-border access to justice for small claims To reduce the costs and time taken to resolve	Implementation	Application of Small Claims Procedure in the 25 EU MS <i>(Source: MS)</i>	Increased number of small claims pursued. <i>(Source: MS)</i>	More small claims resolved. Increased legal certainty. Increased access to justice.	Proposal yet to be adopted.

	small claims. To increase the number of legitimate small claims made.					
<i>Marriage and divorce law</i>						
Instrument on maintenance obligations	To improve and simplify enforcement procedures of maintenance obligations. To enhance cooperation. To clarify what is applicable (non-conflicting) law	Implementation	Application of Regulation in maintenance obligations proceedings in 25 EU MS ( <i>Source: MS</i> )	Reduction of intermediate procedures. Reduced cases of forum shopping Increased cooperation between legal professionals / competent authorities in the Member States ( <i>Source: MS</i> )	Increased legal certainty Better informed decisions Mutually recognised decisions acted upon/ enforced. Facilitated recovery of debts (maintenance for creditors)	Instrument is at the Council discussion stage. Establishing causal links between the interventions and outcomes and impacts will be problematic. Evaluation requires good data from the Member States.
Regulation on jurisdiction and recognition and enforcement of judgements in matrimonial	To harmonise rules of jurisdiction To enable automatic	Implementation	Establishment of harmonised rules on jurisdiction ( <i>Source: MS</i> )	Quicker and more efficient recognition and enforcement of judgements	Better access to justice Better protection of citizens in case of divorce	Evaluation requires good data from the Member States.

<p>matters and parental responsibility (Brussels II, 2201/2003)</p>	<p>recognition and enforcement of judgements between MS</p>		<p>Measured by: Length of time taken to recognise and enforce a judgement (Source: MS)</p>	<p>Facilitated visiting rights for parents Better protection of children's rights</p>	
<p><i>Various</i></p>					
<p>Instrument on the conflict of laws in the area of contractual obligations (Rome I).</p> <p>To reduce costs associated with differences regarding non-contractual obligations To increase party autonomy and flexibility To increase legal certainty for consumers and internal market</p>	<p>Implementation</p>	<p>Numbers of cross-border disputes settled Application of conflict of law rules in the MS (Source: MS)</p>	<p>Improved mutual trust between judicial authorities Faster procedures. (Source: MS)</p>	<p>Reduced uncertainty. Reduced costs. Facilitated mutual recognition of international contracts</p>	<p>Proposal in discussion stage.</p>
<p>Proposal for a regulation on the law applicable to non-contractual obligations (Rome</p>	<p>Implementation</p> <p>To harmonise rules on non-contractual obligations</p>	<p>Provision of a set of community rules Application of</p>	<p>Improved mutual trust between judicial authorities Faster procedures.</p>	<p>Reduced legal uncertainty. Better access to justice</p>	<p>Establishing causal links between the interventions and outcomes and impacts</p>

II, COM(2003) final)	To increase legal certainty		rules in the MS ( <i>Source: MS</i> )	( <i>Source: MS</i> ) Increased legal certainty for victims of damages and perpetrators of torts	Reduced costs of accessing justice	will be problematic
Regulation on insolvency proceedings (1346/2000)	To improve efficiency and effectiveness of cross-border insolvency proceedings  To prevent shopping for a more favourable legal position	Implementation	Provision of a set of community rules Application of rules in the MS ( <i>Source: MS</i> )	More efficient and effective cross-border insolvency proceedings Prevention of shopping for a more favourable legal position  Measured by: Time taken for proceedings Perceptions of shopping amongst legal professionals  ( <i>Source: MS, surveys</i> )	Better access to justice Reduced costs of accessing justice Better resolution of cross border insolvencies  Better cooperation between courts and administrators of insolvency	Clear intervention logic
Directive on	To facilitate better	Implementation	Co-operation	Better access to	Better access to	Clear intervention logic

<p>compensation to crime victims (2004/80/EC)</p>	<p>access for victims to compensations where crime was committed in another MS</p> <p>To establish a compensation mechanism in such cases</p>		<p>mechanism between MS set up (<i>Source: MS</i>)</p>	<p>compensation to victims of crimes in cross-border situations (<i>Source: MS</i>)</p>	<p>justice</p> <p>Better compensation for victims of cross-border crime in Europe</p>	
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**Policy sub-area 2: Criminal matters (Justice)**

**Objectives:**

- To promote mutual recognition
- To increase confidence and other conditions leading to mutual recognition
- To reduce differences in the definition of crimes. In particular, to explore common definitions and procedures for human trafficking and cross border crimes
- To reduce differences in detention and trial procedures
- To improve taking of evidence
- To reduce differences in penalties
- To speed up cross border arrest and surrender procedures
- To facilitate cross border management, freezing and confiscation of criminal assets
- To protect victims of crime

<b>Policy sub-area level indicators:</b>									
<b>Main instrument (and type of instrument)</b>	<b>Objectives</b>	<b>Implementation at national level</b>	<b>Indicators/evaluation questions</b>		<b>Specific issues /comments</b>				
			<b>Immediate results</b>	<b>Outcomes</b>		<b>Impacts</b>			
Number of mutually recognised judicial decisions									
Extent of mutual confidence: proportion of officials in national administrations who have high confidence in other MS systems (measured by surveys of national authorities)									
Level of awareness of judicial actors of other MS systems									
Number of definitions of crimes approximated									
Number of reduced differences in detention and trial procedures and definition of penalties									
Length of cross-border arrest and surrender procedures									
Size of criminal assets frozen and confiscated in cross-border cases									
<i>Source: MS</i>									
European arrest warrant and the surrender procedures between Member States (Council Framework Decision of 13 June 2002 on the	To facilitate and expedite surrender procedures in respect of persons wanted for trial and sentenced persons between Member States	Transposition	Numbers of arrest warrants issued, executed and refused	Faster and simpler surrender procedures <i>Measured by:</i> Average duration of surrender procedures ( <i>Source: MS</i> )	Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence	Requires good data from MS. MS must actively participate in evaluation.			

<p>European arrest warrant and the surrender procedures between Member States (2002/584/JHA))</p>			<p>States and numbers of persons consenting to surrender. (Source: MS)</p>		<p>between judicial authorities. Increased security and safety within the EU</p>	
<p>Instrument on the execution of orders freezing property or evidence (Council Framework Decision 2003/577/JHA of 22 July 2003)</p>	<p>To facilitate recognition and execution of freezing orders issued by a judicial authority of another Member State</p>	<p>Transposition</p>	<p>Number of freezing requests issued and executed (Source: MS)</p>	<p>Increased efficiency and effectiveness of freezing orders <i>Measured by:</i> Faster procedures to freeze assets Increased use of procedures to freeze assets Increased speed of national procedures as a consequence of freezing order Improved access to evidence obtained/ Improved recovery of assets</p>	<p>Increased efficiency of procedures; increased mutual confidence between judicial authorities. Decreased levels of organised crime (Source: <i>Europol reports</i>)</p>	<p>Requires good data from MS.</p>



Instrument on the application of the principle of mutual recognition to financial penalties (Council Framework Decision 2005/214/JHA of 24 February 2005)	To facilitate the enforcement of financial penalties imposed by judicial or administrative authorities in a Member State other than the State in which the penalties were imposed.	Transposition	Number of decisions and issued and executed (Source: MS)	(Source: MS) Faster and more effective procedures to ensure enforcement of financial penalties Measured by: Average length of procedures (Source: MS)	Dissuasive effect to potential criminals and decreased level of financial crime Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.	Requires good data from MS. Difficult to measure causal links between outcomes and impacts
Instrument on the exchange of information extracted from the criminal record (Council Decision 2005/876/JHA of 21 November 2005)	To improve exchanges of information on criminal records between Member States	Voluntary compliance	Number of requests sent , number of replies sent -for the purpose of criminal proceedings, and - for other purposes Respect of	Improved knowledge available to sentencing authorities about the convicted person's full European criminal record. Improved circulation of information on criminal records for other purposes (e.g.	Dissuasive effect to potential criminals and hence decreased levels of crime Increased visibility of mutual recognition, better knowledge of each other's	Requires good data from MS. Difficult to measure causal links between outcomes and impacts

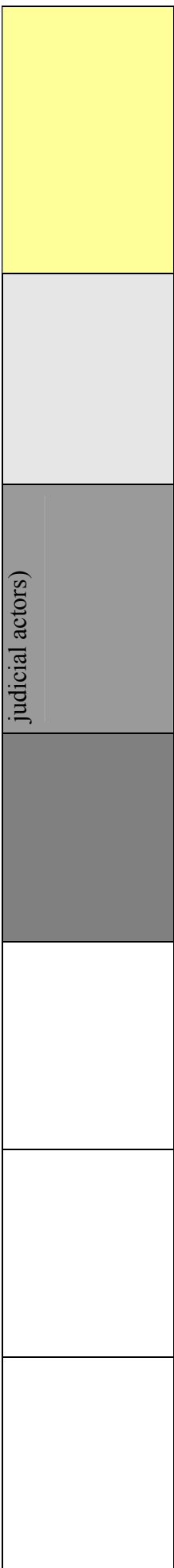
			deadlines (Source: MS)	employment) Improved quality of information on criminal records from abroad in the Member State of nationality (Source: MS)	judicial systems and increased mutual confidence between judicial authorities.  More appropriate and better informed sentencing decisions	
Instrument on the standing of victims in criminal proceedings (Council Framework Decision of 15 March 2001)	To assist victims before or after criminal proceedings	Transposition	Application of rules the instrument (Source: MS)	Better information for victims on legal advice and on their rights, protection for vulnerable victims and more appropriate methods of obtaining evidence  Improved situation for victims in relation to criminal proceedings (Source: MS)	Raised awareness of victims' rights amongst practitioners <i>Measured by MS surveys</i>  Better access to justice	Requires good data from MS.
Framework programme on police and judicial	Help legal practitioners, law enforcement	Commitments to AGIS projects	<i>Number of activities promoting training and expert</i>	Development of instruments, strategies and	Improved operational procedures and	Transnational cooperation activities normally require

<p>cooperation in criminal matters (AGIS)</p>	<p>officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices.</p> <p>Encourage Member States to step-up co-operation with the applicant countries and other third countries</p>	<p>Participation</p>	<p><i>mobility</i></p> <p><i>Number of dissemination activities</i></p> <p><i>Number of conferences and seminars</i></p> <p><i>Number of studies, research and evaluations</i></p> <p><i>(Source: Commission)</i></p>	<p>activities for cooperation</p> <p>Development of methods, techniques and instruments for operational and training use</p> <p>Exchange and dissemination of information, experience and best practices</p> <p><i>(Source: Commission)</i></p>	<p>approaches</p> <p>Better operational cooperation</p> <p>Cross-border use of good practices</p> <p>Mutual understanding of respective police, legal and administrative systems</p> <p>Common perception of criminality</p>	<p>qualitative approaches to evaluation taking account of varying contexts.</p>
<p><b>Flanking measures in place</b></p>						
<p>The European Judicial Network (Joint Action of 29 June 1998 adopted by the Council)</p>	<p>To improve judicial cooperation between Member States through direct contacts between judicial</p>	<p>Designation of national contact points</p>	<p>Regular meetings, creation and updating of specific tools (website, "fiches belges", atlas and SOLON legal</p>	<p>Increased efficiency of procedures and better communication between judicial authorities.</p> <p>Measured by:</p>	<p>Improved functioning of mutual recognition instruments, better knowledge of each other's</p>	

	authorities		<p>glossary)</p> <p>Number of cases in which the EJNI is involved. (Source: EJNI and Member States)</p>	<p>Average duration of procedures, analysis of outcomes of proceedings, perceptions of ECJ as a communication tool (Source: EJNI and Member States)</p>	<p>judicial systems and increased mutual confidence between judicial authorities.</p>	
Eurojust (Council Decision of 28 February 2002)	Better co-ordination of investigation and prosecution of serious cross-border crime	<p>Appointment of national experts to Eurojust</p>	<p>Immediate access to information about legal systems from a practitioner of the nationality of the Member States in question. Measured by: number of cases where Eurojust is used</p> <p>Establishment of the coordination role. Establishment of Eurojust as a potential arbiter of conflicts of</p>	<p>Increased efficiency of procedures and better communication between prosecutors and judicial authorities. Measured by: Average duration of procedures, analysis of outcomes of proceedings (Source: Eurojust and MS)</p>	<p>Increased cross border prosecution rates and improved efficiency (evidence gathering, mutual information exchange on procedural matters) Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased</p>	

			jurisdiction. Establishment of Eurojust as reporting authority for problems with European Arrest Warrants. (Source: Eurojust and MS)		mutual confidence between judicial authorities.	
Joint investigation teams (Council Framework Decision of 13 June 2002)	To facilitate, expedite and improve investigations in cross border cases	Transposition	Setting up of joint investigation teams Number of cases investigated by such teams (Source: MS)	Efficient gathering of evidence in cross border cases Measured by: Average duration of cross-border case reaching the court (Source: MS)	Increased range of judicial cooperation tools. Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.	
<b>Horizontal instrument for both Sub Policy area 1 (Civil matters) and Sub Policy area 2 (Criminal matters)</b>						

<p>Judicial training</p>	<p>To improve knowledge of relevant EU instruments among legal practitioners</p> <p>To enhance mutual understanding of legal systems among judges and prosecutors</p> <p>To co-ordinate national judicial training programmes</p> <p>To promote better language skills among European legal practitioners</p>	<p>Participation in training activities</p>	<p>Organisation of training activities</p> <p><i>Measured by:</i> Training programmes offered, number of participants benefiting from training on EU matters )</p> <p><i>(Source: Commission. Participant feedback)</i></p>	<p>In evaluating the success of this policy, regard must be had to the effective use of available EU funding.</p> <p>Increased number of judicial training activities, increased coordination between national judicial training programmes, development of the European Judicial Training Network.</p> <p><i>Measured by:</i></p> <p>Quality of training activities, number of participants in exchanges Improved knowledge of European and international instruments amongst judges and prosecutors</p> <p><i>(Source: MS Interviews with law enforcement and</i></p>	<p>Increased understanding of mutual recognition</p> <p>Promotion of a European judicial culture.</p>	
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**5.1. POLICY AREA: LAW ENFORCEMENT COOPERATION AND PREVENTION OF AND FIGHT AGAINST GENERAL ORGANISED CRIME**

**Factors influencing evaluation mechanism:** Policy based on the TEU Title VI (third pillar). Activities include legislation, including the approximation of crimes and penalties and cooperation measure. Establishing causal links between the EU interventions and the ultimate objective of reducing crime is always likely to be problematic. The current factsheet intends to facilitate the assessment of the implementation of EU instruments in this area. Full fledged evaluation will require substantial improvements in the quality and availability of statistical information in the field of crime and criminal justice. The forthcoming Action Plan in this field (to be adopted by the Commission in July 2006) will address these issues and put forward concrete proposals, including carrying out an inventory and setting-up an expert group. In this context, this factsheet and the indicators included therein will necessarily be adjusted and improved in the light of the implementation of the Action Plan, and could be used as a starting point for discussions in this field.

**Policy sub-area 1:** Crimes and Sanctions (i.e. legislation to fight organised (cross border) crime and terrorism)

**Objectives:**

To combat:

- Terrorism
- Smuggling and trafficking of human beings,
- Sexual exploitation, racism and xenophobia,
- Financial and economic crime,
- Environmental crime,
- Illicit trafficking in goods,
- Organised crime and cyber crime.



To reduce the financial resources available to those involved in organised crime			
To criminalise active and passive corruption			
<b>Policy sub-area level indicators:</b>			
Numbers and trends of successful prosecutions for (Source: <i>UN crime and criminal justice trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics</i> ):			
<ul style="list-style-type: none"> <li>• Smuggling and trafficking of human beings,</li> <li>• Sexual exploitation,</li> <li>• Financial and economic crime,</li> <li>• Environmental crime,</li> <li>• Illicit trafficking in goods (including firearms),</li> </ul>			
Numbers of successful prosecutions for organised crime (Source: <i>UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics</i> )			
Numbers of prosecutions for active and passive corruption (Source: <i>UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics</i> )			
Perception of levels of active and passive corruption (Source: <i>Transparency International survey</i> )			
Numbers of crimes subject to EU interventions and instruments (Source: <i>UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics</i> )			
Main	Objectives	Implementation	Indicators/evaluation questions
			Specific issues

instrument		at national level	Immediate results	Outcomes	Impacts	/comments
Terrorism						
Council Framework Decision (FD) of 13 June 2002 on combating terrorism (2002/475/JHA)	To approximate the definition of terrorist offences, and penalties and sanctions in all MS  To establish jurisdictional rules to ensure that offences are prosecuted  To apply specific measures for victims of terrorist offences	Implementation of FD	Application of FD provisions. <i>Measured by:</i> The number of definitions of offences, penalties and sanctions approximated  Number of measures applied for victims of terrorist offences  <i>(Sources: MS)</i>	Number of terrorists prosecuted as a result of FD	Reduced instances of terrorist activities  Improved help to victims of terrorism	Difficult to assess the causal links between outputs, outcomes and impacts
Pilot project on victims of terrorism	To help the victims of terrorist acts and/or their relatives to recover by means of social	Implementation of projects	Number of beneficiaries assisted through psychological support  Number of special	Improved cooperation and exchange  Increased research on the situation of victims of terrorist	Improved social and psychological support to victims of terrorist attacks	

<p>Pilot project on prevention, preparedness and response to</p>	<p>or psychological support provided by organisations and/or their networks.</p> <p>To raise the awareness of the European public against the terrorist threat, so that the traditional fight against terrorism through police and judiciary measures can be complemented by public opinion condemning terrorism in all its forms.</p>		<p>training programmes organised</p> <p>Number of social integration programmes organised for victims</p> <p>Number of special medical programmes created</p> <p>Number of events and information campaigns organised</p>	<p>acts</p> <p>Creation of reception centres for victims</p>	<p>Increase awareness of the European public</p>	
<p>To combat terrorism</p> <p>To improve the security of</p>	<p>Implementation of projects</p>	<p>Number of studies carried out</p> <p>Number of expert</p>	<p>Development of capabilities for the management of crises</p>	<p>Improved expertise on terrorism</p> <p>Increased</p>		

terrorist attacks	citizens	networks set up	Exchange of experience and best practice	exchange of expertise Increased cooperation with international partners		
<b>Smuggling and trafficking of human beings</b>						
Council Framework Decision (FD) 2002/629/JHA of 19 July 2002 on combating trafficking in human beings	Reduce human trafficking	Implementation of FD	Application of FD provisions. <i>Measured by:</i> Number of detentions resulting from FD <i>(Source: MS)</i>	Successful prosecutions resulting from FD <i>(Source: MS)</i>	Reduced trafficking in human beings Reduction in damage to victims of trafficking	Identifying cases specifically linked to FD may be problematic
<b>Sexual exploitation</b>						
Council framework decision (FD) 2004/68/JHA of 22 December 2003 on combating the sexual	Reduce sexual exploitation of children. Reduce child pornography.	Implementation of FD	Application of FD provisions. <i>Measured by:</i> Number of detentions resulting from FD	Successful prosecutions resulting from FD <i>(Source: MS)</i>	Reduced sexual exploitation of children. Indicated for example by reductions in numbers of complaints.	Identifying cases specifically linked to FD may be problematic

exploitation of children and child pornography			(Source: MS)	Reduced child pornography. Indicated for example by reduction in number of illicit websites and other outlets.	
Financial and economic crime					
Council Framework Decision (FD ) of 22 July 2003 criminalising corruption in private sector	Criminalise active and passive corruption	Implementation of FD	Application of FD provisions. <i>Measured by:</i> New crimes detected as a result of FD Number of detentions resulting from FD <i>Source: MS)</i>	Successful prosecutions resulting from FD <i>(Source: MS)</i>	Reduced corruption in private sector. <i>(Source: Transparency International surveys)</i>
FD on money laundering and counterfeiting of non-cash payments	Criminalise fraud involving any form of non-cash means of payment in all	Implementation of FD	Application of FD provisions. <i>Measured by:</i> New crimes	Successful prosecutions resulting from FD <i>(Source: MS)</i>	Reduced money laundering and counterfeiting of non-cash payments

MS			detected as a result of FD Number of detentions resulting from FD <i>Source: MS</i>			( <i>Source: national criminal justice statistics</i> )	
Illicit trafficking in goods							
Proposal for a regulation on import/export licensing system for firearms	Reduce firearms trafficking. Harmonize the regime for import and export of firearms.	Establishment of the system	Application of the regulation <i>Measured by:</i> Numbers of arms licensed <i>(Source: MS)</i>	Increased control over imports and exports of firearms <i>Measured by:</i> perceptions of law enforcement agencies <i>(Source: MS)</i>	Reduced firearms trafficking Reduced use of illicit firearms	Clear intervention logic (forthcoming) The instrument is relevant to borders policy area.	
Organised crime							
Council Framework Decision 2001/500/JHA of 26 June 2001 relating to money laundering,	Approximate definitions, incriminations and sanctions Improve mutual legal assistance in the	Implementation of FD	Application of rules and provisions contained in FD <i>Measured by:</i> Instances of suspicious	Assets frozen and confiscated. <i>Measured by:</i> Effective judgments pronounced	Reduced money laundering Reduced crime <i>Measured by:</i> Perceptions of	Regular monitoring reports from the Commission Identifying cases specifically	

identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime	investigation and prosecution of this type of crime		<p>transactions reported to entities subject to reporting obligations</p> <p>Penalties resulting from FD</p> <p>Prosecutions resulting from FD</p> <p>Reduction of the differences in maximum penalties among MS</p> <p>(Source: MS, Commission)</p>	Amounts frozen and confiscated (Source: MS)	law enforcement agencies.	linked to the FD may be problematic  (This instrument might fit better under financial crime although it is about enacting penalties and might better fit under Justice criminal matters. Evaluation need to be done in combination with the third money laundering directive).
Proposal for a FD on fight against organised crime (2005)	<p>Harmonise the definition of offences and penalties</p> <p>Facilitate cooperation between judicial authorities and coordinate their</p>	Implementation of FD	<p>Application of rules and provisions contained in FD.</p> <p>Measured by:</p> <p>Better harmonised definition of offences and penalties.</p>	<p>Increased judicial co-operation</p> <p>Measured by:</p> <p>Trials and successful prosecutions resulting from FD</p>	<p>Reduced organised crime</p> <p>Measured by:</p> <p>Perceptions of law enforcement agencies.</p>	<p>Difficult to measure impacts</p> <p>Identifying cases specifically linked to the FD may be problematic</p>

	activities.		Instances of judicial cooperation (Source: MS, Commission)	(Source: MS)		(This too might better fit under Justice criminal matters policy area)
Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. (April 2004)	Reduce organised crime participation in illegal migration and human trafficking  Facilitate victims giving evidence against suspected criminals	Implementation of Directive	Application of rules and provisions contained in Directive  <i>Measured by</i>  Instances of residence permits issued (Source: MS)	More victims testifying against suspected criminals  Successful prosecution of suspected criminals (Source: MS)	Reduced organised crime participation in illegal migration and human trafficking  <i>Measured by:</i>  Perceptions of migration and law enforcement agencies.	This instrument is relevant to borders policy area.  (It does not fit easily in this sub category.)
<b>Policy sub area 2: Cooperation and exchange of information to enforce the law.</b>						
(The architecture of the instruments in this sub policy area is such that the instruments should be reinforcing. Capturing these synergies in evaluation work would be of value)						
<b>Objectives:</b>						



<p>To increase cooperation between police and customs authorities of MS</p> <p>To increase cooperation of MS police and customs authorities with Europol</p> <p>To develop and improve use of ‘intelligence led law enforcement’ and Joint Investigation Teams</p> <p>To encourage exchange of experiences on best practice on investigative techniques</p> <p>To improve the quality of Member States law enforcement data with the assistance of Europol</p>						
<p><b>Policy sub-area level indicators:</b></p> <p>Number of formal joint investigations</p> <p>Number of informal joint investigations</p> <p>Number of successful prosecutions resulting from joint investigations (formal and informal)</p> <p>Number of successful prosecutions resulting from the adoption of best practice investigative techniques</p> <p>Extent of mutual confidence: proportion of officials in national administrations/law enforcement authorities who have confidence in other MS systems (measured by surveys of national authorities)</p> <p>Periods of time (person days) on (trans-national) exchanges of staff</p> <p><i>Source: MS</i></p>						
Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		Impacts
Schengen Information	Sharing of information	Consistent input and further use of	Quality and Availability of SIS	Success in using	Reduced permeability of	Clear intervention

System (SIS) II	among MS in order to refuse entry on the basis of uniform practices	information among MS	II information for competent national authorities <i>Measured by:</i> Number of records per category <i>(Source: MS and Commission)</i>	SIS information. <i>Measured by:</i> Number of correctly identified persons who should be refused entry and wanted goods discovered <i>(Source: MS)</i>	the external border. Increased confidence to promote 'free movement' policies.	logic. Evaluation methods – of analysis trends and process changes. Commission responsible for re-evaluation co-ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS. Evaluation will be very difficult.
Common position on the exchange of data with Interpol on passports	To prevent and combat serious and organised crime including terrorism through improved	Exchange of data with Interpol through database on stolen travel documents	Number of data records forwarded to Interpol	Enhanced cooperation between enforcement authorities	Decreased illicit activities	

Task Force of Police Chiefs	cooperation between MS' law enforcement authorities and between them and such authorities in third Countries by exchanging passport data with Interpol	Participation of police chiefs (or alternates)	Cooperation activities. <i>Measured by:</i> Meetings held Informal contacts Formal cooperation agreements <i>(Source: MS)</i>	Mutual cooperation <i>Measured by:</i> Instances of cooperation Perceptions of participants <i>(Source: MS)</i>	Sustained cooperation <i>Measured by:</i> Instances of cooperation arising indirectly and at lower levels. Decrease in criminal activities <i>Measured by:</i> Number of arrests,	By its nature a difficult instrument to evaluate in its own right.
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Europol	Promote cooperation between MS law enforcement agencies	Provision of information, application and use of information received from Europol or via bilateral cooperation initiated by Europol	Cooperation activities <i>Measured by</i> Strategic analyses undertaken, Instances of exchange of intelligence. Use of formal joint investigation teams Use of informal joint investigation teams Number of investigations informed. <i>(Source: Europol and perceptions of participating MS and law enforcement agencies).</i>	Better law enforcement <i>Measured by:</i> Trials resulting from exchanges of intelligence and cooperation. Successful prosecutions resulting from exchanges of intelligence and cooperation. <i>(Source: MS and Europol)</i>	prosecutions, and convictions	Evaluation needs to acknowledge the real constraints on multilateral police cooperation (issues of confidentiality and credit for solving cases) and the potentially weak links between police cooperation and reductions in crime.  Evaluation work has included peer reviews
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CEPOL	<p>Improve likelihood of (transnational) cooperation.</p> <p>Improve competences of trainees.</p>	Commitment to EU level training	<p>EU level Training activities</p> <p><i>Measured by:</i></p> <p>Number of police officers trained</p> <p>Number of courses offered</p> <p><i>(Source: CEPOL, including potential follow up survey of trainees.)</i></p>	<p>Improved cooperation</p> <p><i>Measured by:</i></p> <p>Resulting instances of cooperation between individual officers.</p> <p>Resulting instances of cooperation between agencies</p> <p>Resulting improved investigations.</p> <p>Resulting detentions and prosecutions</p> <p><i>(Sources: MS Law enforcement agency records, judicial records)</i></p>	<p>Increased competence in cross border level practice</p> <p>Reduced 'cross border' crime</p> <p>Reduced crime</p> <p><i>(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)</i></p>	<p>Identifying causal links with impacts will be especially difficult.</p> <p>An report on the operation and future of CEPOL was published in January 2006.</p>
<p>Framework programme on police and judicial cooperation in criminal matters</p>	<p>Help legal practitioners, law enforcement officials and representatives</p>	<p>Commitments to AGIS projects</p> <p>Participation of</p>	<p><i>Number of activities promoting training and expert mobility</i></p> <p><i>Number of dissemination</i></p>	<p>Development of instruments, strategies and activities for cooperation</p>	<p>Improved operational procedures and approaches</p> <p>Better</p>	<p>Transnational cooperation activities normally require qualitative approaches to</p>

(AGIS)	of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices. Encourage Member States to step-up co-operation with the applicant countries and other third countries	<i>activities</i> <i>Number of conferences and seminars</i> <i>Number of studies, and research evaluations</i> <i>(Source: Commission)</i>	Development of methods, techniques and instruments for operational and training use Exchange and dissemination of information, experience and best practices <i>Source: Commission)</i>	operational cooperation Cross-border use of good practices Mutual understanding of respective police, legal and administrative systems Common perception of criminality	evaluation taking account of varying contexts.
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**Policy sub area 3: Crime Prevention**

**Objectives:**

To reduce instances of (cross border organised) crime

To establish European instruments for collecting, analysing and comparing information on crime and victimisation.

To provide better information on trends in crime in Member States						
<b>Policy sub-area level indicators:</b>						
Numbers of successful prosecutions of cross border organised crime						
The frequency with which EU level statistics are collected (benchmark: annually)						
The level of reliability of data (for example, number of definition changes), also indicated by the levels of confidence in data by key actors ( <i>source: regular surveys</i> )						
Consistency of data between Members States (for example, numbers of definition variations), indicated the levels of confidence in data by key actors ( <i>source: regular surveys</i> )						
<i>Source: Commission, MS</i>						
Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions		Specific issues /comments	
			Immediate results	Outcomes		Impacts
Forum on organised crime prevention	Better exchange of information  Creation of a Platform of expertise	Active participation from MS	Coordination and cooperation of activities  <i>Measured by:</i> Meetings and seminars held  Studies undertaken etc.  <i>(Source:</i>	Better and increased information base  Better legal and other instruments  <i>Measured by:</i>  Application and dissemination of information and best practices	Reduced crime	Difficult to measure causal links

European crime prevention network	Provide expertise and knowledge in developing effective crime prevention measures	Active participation from MS	Commission) Network Activities <i>Measured by</i> Meetings, Exchange of information Identification and propagation of good practice. Copies/hits on good practice and recommendations. (Source: Commission)	exchanged (Source: MS) Application of Network Knowledge <i>Measured by:</i> Uptake of recommendations Improved policy making processes (Source: MS via Consultations)	Improved policies and practices with respect to crime prevention Reduced crime	Difficult to measure causal links
EU action plan on EU statistics on crime and criminal justice	Provide better information base on EU crime trends, levels and on victimisation as well as on criminal	Active participation from MS	Availability of information on crime and criminal justice covering EU <i>Measured by:</i> Availability, coverage and	Application of improved information <i>Measured by:</i> Dissemination of information to EU and MS policy	Better informed policy making at EU level. Better informed policy making at MS level.	Difficult to measure causal links Statistical information is not available Instrument



Action plan on public-private partnerships	justice.	Active participation from MS	comparability data. <i>(Source: Commission)</i>	makers Citation of statistics in policy documents <i>(Source: Commission and MS)</i>		underpins evaluation of other instruments as it should improve statistics available at the EU level
Establish public-private partnerships at EU level to tackle multinational organised crime and terrorism	Establish public-private partnerships at EU level to tackle multinational organised crime and terrorism	Implementation of Action plan Creation of a EU level Platform for public-private partnership against organised crime and terrorism <i>Measured by</i> Reports from old and new partnership structures to the platform Effective participation in the work of the Platform and new partnerships	Increased co-operation between public and private sector <i>Measured by:</i> Number of co-operation activities <i>Source: Commission: Follow up studies of partnerships)</i>	Reduced level of damage from organised crime and terrorism	Process evaluation could be appropriate	

			Composition of partnerships established (Source: Commission)			
<b>Policy sub area 4: Management of crises<sup>13</sup> with cross border effects</b>						
<b>Objectives:</b> Reduce detrimental cross border impacts of crises						
<b>Policy sub-area level indicators:</b>						
Number of cross border crises reported in press/media						
Number of cross border crises involving EU crisis management						
Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Setting up of integrated and co-ordinated EU crisis-management arrangements in the Commission and the Council	Increase the level of preparedness to tackle cross-border crises within the EU	Active participation from MS in the structures to be established	Establishment of integrated and co-ordinated structures at the EU level <i>Measured by:</i> Assessments of MS capacities Training and joint	Increased level of preparedness for cross border crises <i>Measured by:</i> Actual responses to crises Results of ‘Exercises’	Reduced impacts of such crises	There are likely to be particular difficulties in establishing the counter factual with respect to this instrument. Impacts may only be assessed sometime

<sup>13</sup> With particular regard to preparedness and response to terrorist attacks.

			<p>exercises conducted</p> <p>Operational plans established</p> <p>(Source: administrative records)</p>	<p>undertaken.</p> <p>(Source: Potential stakeholder surveys)</p> <p>MS</p>	<p>following emergencies.</p> <p>Some scope for peer review</p>
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## ANNEX 2

### Current practice for monitoring and evaluating EU policies on freedom, security and justice

#### 1. MONITORING

##### 1.1. The Tampere scoreboard

The Tampere European Council in 1999 invited the Commission to compile a **scoreboard** to keep implementation of policies on freedom, security and justice under continuous review. The scoreboard would specifically keep track of progress made with implementation of the measures and compliance with the deadlines set in the Amsterdam Treaty, the Vienna Action Plan and the Tampere programme. In response, the Commission produced its first scoreboard in March 2000, followed by regular updates every six months taking into account the objectives set by the European Councils in Laeken (2001), Seville (2002) and Thessaloniki (June 2003). The last Tampere scoreboard was presented in June 2004, marking the end of the first five-year period (1999-2004).

The scoreboards indicated the objectives and deadlines set at Tampere and in each case the responsibilities assigned to launch, advance and complete the process. To provide a clear view of the progress made in each area, the scoreboard showed the outstanding proposals and initiatives presented, progress in Council and European Parliament proceedings and the work planned. A specific section of the scoreboard focused on transposition of the instruments adopted.

##### 1.2. Reviewing implementation of EU legislation

###### 1.2.1. *Instruments adopted under the EC Treaty*

Implementation by the Member States of Community legislation concerning free movement of persons, visas, asylum, immigration, judicial cooperation in civil matters and citizens' rights adopted under the European Community Treaty is monitored by the Commission. If a Member State fails to comply with its legislative obligations, the Commission can then initiate infringement proceedings under Article 226 of the EC Treaty and may bring the matter before the Court of Justice.

Apart from normal application of the monitoring mechanism under Articles 226 of the EC Treaty, monitoring implementation of the instruments adopted under Title IV of the EC Treaty is not systematic, although it is usual practice. For example, none of the four directives adopted on illegal migration provides for a monitoring report by the Commission.

Some reports, such as the evaluation of the derogation for issuing visas to members of the Olympic family<sup>14</sup>, go beyond mere analysis of implementation and contain information on

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<sup>14</sup> Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (SEC(2005) 1051). This report was written by the Commission on the basis of information provided by the Greek authorities.

results. There are other examples concerning instruments adopted under Title II of the Treaty, such as reports<sup>15</sup> relating to free movement of Union citizens or reports<sup>16</sup> on their electoral rights in municipal and European Parliament elections.

### 1.2.2. Instruments adopted under Title VI of the Treaty on European Union

In the case of instruments adopted under Title VI of the EU Treaty concerning police and judicial cooperation in criminal matters, there is **no equivalent compliance mechanism** allowing the Commission to exercise its institutional powers as guardian of the Treaties.

For all Framework Decisions adopted by the Council, it is compulsory for Member States to transmit a detailed set of national implementing measures to the Commission and to the Council. Based on this information, the Commission then issues a report (e.g. 2002 Framework Decision on combating terrorism<sup>17</sup>). allowing the Council to debate the need for further measures in the field concerned. The Council generally expresses its position in a final report.

For some Framework Decisions, the Commission repeats or updates its monitoring exercise (e.g. “Victims” Framework Decision<sup>18</sup>).

Similarly, the Commission systematically monitors common positions and issues a monitoring report on national implementing measures. The Commission has also taken the initiative to issue specific reports on certain Council Decisions imposing no monitoring obligation such as those relating to Eurojust<sup>19</sup>

This monitoring exercise deals only with the **legal transposition** aspect and rarely includes details on the **practical implementation of instruments**. Such assessments of legal transposition answer the following questions: are the implementing measures effective, correct and in line with the Framework Decision? Are they clear and do they provide legal certainty? Do they fully apply the instrument and comply with the time limit for transposition?

In some cases this exercise has been backed up by an initial assessment of practical implementation in the Member States and of the tangible results of the national legislation. For example, in the case of the Framework Decision on the European Arrest Warrant<sup>20</sup>, some

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<sup>15</sup> Reports from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (Right of residence), COM(1999) 127 final and COM(2003) 101 final.

<sup>16</sup> Reports on the application of Directive 93/109/EC: Right of EU citizens residing in a Member State of which they are not nationals to vote in European Parliament elections, COM(97) 731 final and COM(2000) 843, or Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections, COM(2002) 260 final.

<sup>17</sup> Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism, COM(2004) 409 final, 8.6.2004.

<sup>18</sup> Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

<sup>19</sup> Report from the Commission on the legal transposition of the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, COM(2004) 457 final, 6.7.2004.

<sup>20</sup> Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (COM(2005) 63 final), p.2, paragraph 2: “The evaluation criteria adopted by the Commission for this report are, firstly,

of the practical results of the implementing measures were included in the monitoring report, such as the question of effectiveness and rapidity of surrender. The Commission's report also included some preliminary figures, such as the number of warrants issued or the average time taken to execute a warrant, which mainly illustrated the difficulty of obtaining adequate statistics in this field.

### 1.3. Information-gathering mechanisms on policy implementation

#### 1.3.1. Existing mechanisms

Following the call by the 2001 Laeken European Council to set up an enhanced exchange of information in the field of immigration and asylum, the Commission launched an information and consultation procedure with a "**Committee on Immigration and Asylum**" (CIA) at its heart. The CIA is made up of experts from the Member States but also frequently provides a forum for representatives of civil society, such as European social partners and the UNHCR, to present their views on pertinent immigration and asylum issues.

In the field of integration, the "**National Contact Points on Integration**" (NCP) play an important role in monitoring progress across policy fields and in ensuring that integration efforts at national and EU level support each other. They convey key results to the CIA.

A **European Migration Network** (EMN) was set up in 2002 as a preparatory measure in response to the need to improve exchanges of information on all aspects of migration and asylum. Its primary objective is to provide the Community and the Member States with objective, reliable and comparable information in these fields by systematically collecting and storing existing data and information from Member States and carrying out national and European level analysis. At present, the EMN consists of national contact points designated by the Member States.

#### 1.3.2. Mechanisms in preparation

In the field of asylum, a Communication<sup>21</sup> on strengthened practical cooperation proposed bringing into operation a **system for sharing expertise**, resources and knowledge between key stakeholders, as a tool for strengthening common approaches to implementation of the first-stage legislative instruments of the European asylum system, building - amongst others - on existing mechanisms, such as the EURASIL group.

In September 2005 the Commission tabled a proposal for a **Regulation on Community statistics on migration and international protection**. The Regulation will improve statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.

In October 2005 the Commission tabled a proposal for a Council Decision on the establishment of a **mutual information procedure on national measures** taken in the areas of asylum and immigration which could affect other Member States. The proposal is based on

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*the general criteria normally used nowadays to evaluate the implementation of framework decisions (practical effectiveness, clarity and legal certainty, full application and compliance with the time limit for transposal), and, secondly, criteria specific to the arrest warrant, principally the fact that it is a judicial instrument, its effectiveness and its rapidity."*

<sup>21</sup> COM(2006) 67 final.

the recognition that the absence of border checks in the Schengen area and the gradual development of common EU immigration and asylum policies require timely exchanges of information and discussion of national measures taken on asylum and immigration.

#### 1.4. Monitoring implementation of The Hague Programme

The Hague Multi-Annual Programme (2005-2009) and the Action Plan implementing it invited the Commission to present an **annual report on implementation** of these two instruments to the Council (the “Scoreboard plus”).

The Scoreboard plus will aim predominantly at assessing proper and adequate transposition of the legislative acts adopted and effective implementation of the measures agreed. In concrete terms, The Scoreboard plus will assess the outcome of both (a) the **significant political progress** achieved at the point of adoption at EU level and (b) **implementation at national level of measures** related to freedom, security and justice.

This structure will bring visibility to monitoring and provide a comprehensive overview of implementation of the Action Plan, meeting the requirements of the European Council in The Hague Programme. It will increase transparency and visibility and improve and facilitate implementation. The **first Scoreboard plus** is presented **in parallel** to this Communication, one year after adoption of the Action Plan implementing The Hague Programme.

## 2. EVALUATION

This section briefly describes the state of play with evaluation in the field of freedom, security and justice, depending on the subject-matter: (1) **programmes**, (2) **legislation** or (3) **policies**<sup>22</sup>. Evaluations on freedom, security and justice mainly focus on **individual policy instruments**, be they legislative or financial. As in other areas, evaluation of policies (defined as a coherent set of instruments serving the same coherent objective) is **still developing**. As a consequence, evaluation activities are currently very diverse (internal or external evaluations, annual progress reports, peer reviews, etc.) and very different in scope. This results in a **lack of comparable evaluation** results across policies and of a true overview of the results achieved in establishing an Area of Freedom, Security and Justice.

The evaluation mechanism put forward in this Communication aims at tackling this issue. It provides a **platform** for exhaustive presentation and comparability of existing evaluation results, and identification of any information gaps. Whilst taking into account the fact that evaluation is more advanced for some activities than others, it will allow the establishment of a **common set of minimum evaluation requirements** across the different policies.

### 2.1. Evaluation of Community programmes

Evaluation of **programmes** is **well developed** within the Commission, including in the area of freedom, security and justice, where major programmes such as the European Refugee

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<sup>22</sup> Evaluations of agencies and external bodies have not been included, for example the evaluation of the draft Council Decision transforming the European Police College (CEPOL) into an EU body, the evaluation of the European Monitoring Centre for Drugs and Drug Addiction and the evaluation of the functioning of the European Judicial Network (EJN) in civil and commercial matters.

Fund, AGIS and DAPHNE are regularly evaluated<sup>23</sup>. Available evaluation results demonstrate that whilst the immediate results of funding programmes are easily identified and measured, their longer-term effects are sometimes more difficult to grasp. In this context, the Commission proposals for the 2007-2013 programmes on freedom, security and justice establish a better link between the programmes' specific objectives and the overall political objectives. This will have an impact on the evaluation framework for these programmes, in particular through assessment of their consistency with other instruments (legislative or other) in the same field.

## 2.2. Evaluation of legislation

Contrary to the evaluation of programmes, evaluation of **legislation** is a **more recent** development in the case of freedom, security and justice. Recent examples include the evaluation of the European Arrest Warrant<sup>24</sup> (2005), the economic evaluation of the Data Protection Directive<sup>25</sup> (2005) and the on-going evaluations of the Directive on minimum standards for the reception of asylum-seekers<sup>26</sup> and of the Brussels I Regulation<sup>27</sup>. Also, the introduction of impact assessments of EU legislation has led to systematic *ex-ante* appraisal, which should greatly facilitate further interim and/or *ex-post* evaluation. In this context, systematic scrutiny of legislative proposals and other draft instruments to ensure that they are compatible with the Charter of Fundamental Rights should serve the same purpose<sup>28</sup>.

## 2.3. Evaluation of policies

### 2.3.1. Mechanism for Schengen evaluation

The Schengen evaluation system, first established in the intergovernmental Schengen framework and then integrated into the European Union framework<sup>29</sup>, assesses correct implementation of the Schengen *acquis* by participating Member States through a peer review mechanism, including visits to Member States. It has issued restricted reports, given details of cases of non-compliance with existing rules and practices and made further recommendations. This mechanism applies to both Community and third pillar measures.

When internal border controls with and between new EU Member States are lifted, the Commission will submit a “*proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism*”, as requested by The Hague Programme.

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<sup>23</sup> The results of these evaluations are available online at: [http://europa.eu.int/comm/dgs/justice\\_home/evaluation/dg\\_coordination\\_evaluation\\_annexe\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm).

<sup>24</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States.

<sup>25</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

<sup>26</sup> Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers.

<sup>27</sup> Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

<sup>28</sup> SEC(2001) 380/3, COM(2005) 172.

<sup>29</sup> Decision 26 DEF 1998 of the Schengen Executive Committee.



### 2.3.2. *Mechanism for the fight against organised crime*

Joint Action 97/827/JHA, adopted by the Council on 5 December 1997, established a mechanism for evaluating the application and implementation at national level of international undertakings in the **fight against organised crime**<sup>30</sup>. Two rounds of evaluation have already been completed and two others are ongoing. The first round focused on mutual legal assistance in criminal matters, on which a report was subsequently released on 1 August 2001<sup>31</sup>. The second assessed instruments dealing with law enforcement and drug trafficking. Finally, the third and fourth rounds, not yet completed, are evaluating exchanges of information and intelligence between the Member States and Europol and the European Arrest Warrant respectively. The 1997 mechanism is operated by teams of experts designated by Member States, assisted by the General-Secretariat of the Council, with the involvement of the Commission. It is based on **study visits** and allows an in-depth examination of how instruments or policies are working in practice.

The Commission believes that although this mechanism has proved **useful and effective**, it nevertheless has some **shortcomings**, in particular the total duration of the process, the scope limited to only matters related to organised crime and the limited dissemination of the evaluation results.

### 2.3.3. *Mechanism for the fight against terrorism*<sup>32</sup>

Following the conclusions of the extraordinary meeting of the Justice and Home Affairs Council on 20 September 2001, the Council set up a procedure for peer assessment of national anti-terrorist arrangements in the framework of international cooperation between Member States. The first round of evaluations started in 2003 and focused on exchanges of information. Evaluation teams are made up of national experts and their reports are confidential.

### 2.3.4. *Evaluation of the EU Action Plan on Drugs*

In 2004 the Commission carried out the final evaluation of the EU Drugs Strategy and Action Plan on Drugs for 2000-2004<sup>33</sup>, in cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol. The evaluation exercise provided an **overview of the drugs situation in the European Union** over the reference period. The Strategy and the Action Plan included a wide range of drug-related measures, mainly within the competence of the Member States. Their impact on the drug situation in the European Union could not be considered, mainly because the EU Strategy and Action Plan failed to establish impact indicators.

The EU Action Plan on Drugs for 2005-2008 takes into account the evaluation of the preceding Action Plan and has been designed from the outset to facilitate full evaluation. Accordingly, it clearly allocates responsibilities for each action and includes specific assessment tools, indicators and schedules for implementation. The Action Plan provides for

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<sup>30</sup> For further information see: <http://europa.eu.int/scadplus/leg/en/lvb/l33053.htm>.

<sup>31</sup> Final report on the first evaluation exercise - mutual legal assistance in criminal matters (2001/C 216/02).

<sup>32</sup> Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

<sup>33</sup> COM(2004) 707.

the Commission to present annual reviews of implementation of the Plan plus a final evaluation in 2008, with a view to preparing the next Plan. The **first annual progress** review will be presented in **autumn 2006**.

#### 2.3.5. *Mechanism for evaluating respect of fundamental rights*

The **European Monitoring Centre on Racism and Xenophobia** studies the extent and development of the phenomena of racism, xenophobia and anti-Semitism and analyses their consequences and effects. Its findings are presented in annual reports. Once established, the Agency on Fundamental Rights, with its wider mandate, is expected to play a key role in evaluating respect of fundamental rights.

The **network of fundamental rights experts** was created by the European Commission in 2002 in response to a recommendation in the European Parliament's report<sup>34</sup> on the state of fundamental rights in the European Union. The network assesses the fundamental rights situation through an annual report, on the basis of an **analysis of the legislation, the case-law and the administrative practice** of the national authorities of the Member States and in the institutions of the Union. The reference points for the evaluation are the rights set out in the European Union's Charter of Fundamental Rights. The results are published annually (so far, in 2003, 2004 and 2005).

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<sup>34</sup> 2000/2231(INI).

## ANNEX 3

### Glossary

**Activity:** A coherent area of action with objectives and resources. In other words, "Activities" consist of well-defined and delimited measures to which inputs are allocated and converted into outputs.

The policy for the development of an Area of Freedom, Security and Justice has been divided into different Activity-Based Management (ABB) activities such as:

- Activity 1802 “External borders, visa policy and free movement of persons”,
- Activity 1803 “Common immigration and asylum policies”,
- Activity 1804 “Citizenship and fundamental rights”,
- Activity 1805 “Law enforcement cooperation and prevention of and fight against general organised crime”,
- Activity 1806 “Establishing a genuine European area of justice in criminal and civil matters”,
- Activity 1807 “Coordination in the field of drugs”.

**Evaluation:** “Judgement of interventions according to their results, impacts and the needs they aim to satisfy”<sup>35</sup>. It is a process undertaken by the Commission in order to identify what can be learned for policy and planning.

#### ***Ex ante/ex post evaluation***

*Ex ante* evaluation: Evaluation performed before implementation of a measure. For the purposes of the Commission, *ex ante* evaluation is defined as a process that supports the preparation of proposals for new or renewed Community activities. Its purpose is to gather information and carry out analyses that help to define objectives and to ensure that these objectives can be met, that the instruments used are cost-effective and that reliable subsequent evaluation will be possible.

Intermediate (or mid-term) evaluation: Evaluation performed during implementation of a measure. If the evaluation extends throughout the period of implementation, this is also called "on-going evaluation". This type of evaluation critically appraises the first outputs and results, in order to assess the quality of monitoring and implementation of the measure. The main focus is to help to prepare adjustments and reprogramming and to provide input for the preliminary deliberations on the future of the measures.

*Ex post* evaluation: Evaluation conducted either on or after completion of a measure. The main interest is overall assessment of the measure, in particular by analysing the impact

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<sup>35</sup> Communication on Evaluation (SEC(2000) 1051):  
[http://europa.eu.int/comm/budget/evaluation/keydocuments\\_en.htm](http://europa.eu.int/comm/budget/evaluation/keydocuments_en.htm).

achieved and examining its efficiency. The objective is to understand the reasons for success or failure and the sustainability of the results and impact. It also tries to draw conclusions that can be applied generally to other measures.

**Impact:** A general term used to describe the effects of a measure on society. Impact can be either positive or negative and foreseen or unforeseen. Initial effects are called outcomes/results, whilst impact is usually longer-term.

**Impact assessment:** Impact assessment is about examining the likely economic, social and environmental impact of the Commission's proposals. It identifies and assesses the issue at stake and the objectives pursued. It identifies the main options for achieving the objectives and analyses their likely impact. It outlines the advantages and disadvantages of each option as well as synergies and trade-offs.

**Indicators:** A characteristic or attribute which can be measured to assess an activity in terms of its outputs or impacts. Output indicators are normally straightforward. Impact indicators may be more difficult to obtain, and it is often appropriate to rely on indirect indicators as proxies. Indicators can be either quantitative or qualitative.

**Monitoring:** A continuous process of examining delivery in terms of adoption and implementation of different measures, especially legislation. It is not to be confused with programme monitoring, which consists of examining the delivery of programme outputs to the intended beneficiaries. Evaluation, on the other hand, is carried out at a discrete point in time, and consists of an in-depth study. Monitoring generates data which can be used in evaluations.

**Outcomes/results:** The intermediate effects of a measure.

**Policy:** A set of activities, which may differ in type (programmes, measures, procedures, laws or rules) and beneficiaries or target groups, directed towards common general objectives or goals. Unlike projects and programmes, a policy is not usually delimited in terms of time or budget.

**Policy area:** Within the EU the concept *policy* may designate various scope and levels of complexity, ranging from an overall Commission strategy or objective over a policy area to an ABB-activity. In this context, a policy will normally embrace a range of instruments. At Commission level, the ABB-activities (215 altogether) have been grouped into some 30 policy areas, closely identifiable with Directorates-General. This Communication deals with policy area 18: Freedom, security and justice.

**Policy instruments:** A set of techniques by which public authorities attempt to ensure support and to effect or prevent social change. In this sense, there is a strong emphasis on the dynamic evolving nature of policies, with individual policy instruments being added, withdrawn or redesigned over time. The variety of available policy instruments includes, for example, legislation such as regulations or directives and may involve resource commitments, for example in the form of operational programmes; they also include Communications, action plans, etc. However, policy instruments differ significantly in the way in which they bring about results and impacts and the timescales over which these can be expected.

**Programme:** A set of organised but often varied actions (a programme may encompass several different projects, measures and processes) directed towards achieving specific objectives, often with a definite time schedule and budget.