



Ex-post evaluation of five programmes implemented under the 2007-2013 financial perspective

Specific programme evaluation: Civil Justice (JCIV)

28 July 2015



This page is intentionally blank



Ex-post evaluation of five programmes implemented under the 2007-2013 financial perspective

DG Justice

A report submitted by [ICF Consulting Services](#)
in association with

[Milieu Ltd](#)

Date: 28 July 2015





Document Control

Document Title	Ex-post evaluation of five programmes implemented under the 2007-2013 financial perspective – Specific programme evaluation: Civil Justice (JCIV)
Date	28 July 2015

This report is the copyright of the European Commission and has been prepared by ICF Consulting Services Ltd, together with Milieu Ltd, under contract to the European Commission. The contents of this report may not be reproduced in whole or in part, nor passed to any other organisation or person without the specific prior written permission of the European Commission.

ICF/Milieu has used reasonable skill and care in checking the accuracy and completeness of information supplied by the client and/or third parties in the course of this project. ICF/Milieu is however unable to warrant either the accuracy or completeness of client and/or third party information nor that it is fit for any purpose. ICF/Milieu does not accept responsibility for any legal, commercial or other consequences that may arise directly or indirectly as a result of the use by ICF/Milieu of inaccurate or incomplete client and/or third party information in the course of this project or its inclusion in project outcomes.

Contents

Executive summary	i
1 Introduction	1
1.1 Methodology and sources of information	1
1.2 Key characteristics of the programme	1
1.3 Issues raised in the interim evaluation	4
2 Relevance of the programme	6
2.1 Relevance of the priorities and the funded actions to the programme objectives and to the policy initiatives and developments.....	6
2.2 Extent to which the priorities and selected actions meet the needs of the target group	11
3 Coherence and complementarity	14
3.1 Complementarity with other EU programmes and synergies	14
3.2 Complementarity at the level of calls for proposals	16
3.3 Complementarity at project level.....	16
3.4 Synergies created between projects	18
4 Effectiveness	19
4.1 Achievement of the programme objectives.....	19
4.2 Contribution to the implementation and development of EU policies and legislation	24
4.3 Effectiveness of the projects in achieving their own objectives	26
5 Sustainability, transferability and innovation	29
5.1 Short-term sustainability: dissemination of project results	29
5.2 Medium-term sustainability	31
5.3 Long-term sustainability: transferability of project results	33
5.4 Innovation.....	33
6 Efficiency and scope for simplification	36
6.1 Appropriateness, proportionality and sufficiency of the available financial resources.....	36
6.2 Scope for simplification	44
7 European added value	48
7.1 The EU nature of the programme	48
7.2 The geographical coverage of the projects funded.....	49
7.3 The added value of the programme for grant beneficiaries	52
7.4 Added value for the EU in achieving EU objectives.....	52
8 Summary of main findings and conclusions	54
8.1 Introduction	54
8.2 Conclusions and recommendations per evaluation criterion	54
ANNEXES	57
Annex 1 Overview of the 2007-2013 priorities as mapped onto the programme general objectives	57
Annex 2 Civil Justice Agenda	61
Annex 3 Priorities of Grants	63

Executive summary

This final evaluation of the **specific programme Civil Justice** (hereinafter JCIV) implemented between 2007 and 2013 was commissioned by DG Justice to ICF International and Milieu Ltd under the Framework Contract for Evaluation and Evaluation-related Services (JUST/2011/EVAL/01).

Objectives and methodology of the evaluation

This final evaluation aims to assess the relevance coherence and complementarity, effectiveness, sustainability, efficiency and scope for simplification and EU added value of the Civil Justice Programme. These main evaluation criteria are defined in the following way:

- **Relevance** – the extent to which the actions implemented under JCIV logically address its objectives, the wider policy needs of the EU and the needs of the target audiences;
- **Coherence and complementarity** – the extent to which JCIV is internally coherent and if there is complementarity and overlap between JCIV and other EU instruments at programme level, at the level of calls for proposals and at project level;
- **Effectiveness** – the extent to which the programme has been successful in achieving its objectives;
- **Sustainability** – whether the results, outcomes and impacts achieved by the projects are sustainable beyond the project funding period. To the extent possible, the evaluation distinguishes between short-term sustainability (dissemination of project results), medium term sustainability (continuation of project results and/ or partnerships), and longer term sustainability (successful transfer of project results to other contexts, organisations and Member States without additional funding or with limited funding only);
- **Efficiency and scope for simplification** – the extent to which the programme has been implemented in a cost-effective way and linked to this, the extent to which the implementation process or reporting requirements are overly complex;
- **EU added value** – the different ways in which JCIV provides EU added value both to the EU and to grant beneficiaries and the pertinence of this EU added value, in particular the extent to which Member States could have achieved the same results without EU intervention.

The findings of the evaluation are based on data collected from multiple sources, including: an extensive review and quantitative analysis of the available documentation of all 146 grants (130 AGs and 16 OGs) funded by the programme; an online survey (52 respondents) and follow-up interviews (15 interviews) with grant beneficiaries; four interviews with a Commission official who was involved in the programme; as well as a review of programme documentation and other relevant EU policy documents.

Overview of the Civil Justice Programme (JCIV)

JCIV was established by Council Decision 1149/2007/EC of 25 September 2007¹ (hereinafter referred to as 'founding Decision') for the period 2007-2013 as part of the Programme "Fundamental Rights and Justice". The total planned budget for the JCIV programme for its implementation period January 2007 - December 2013 amounted to € 109.3 million.

Objectives of the programme

The general objectives of JCIV (set out in Article 2 of the founding Decision) are to:

- promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;
- promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States;
- improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;

¹ [Decision No 1149/2007/EC](#) of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme Civil Justice as part of the General Programme Fundamental Rights and Justice, OJ L 257, 3.10.2007, p. 16–22.

- improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals

The programme's specific objectives (set out in Article 3 of the founding Decision) are to:

- foster judicial cooperation in civil matters aiming at:
 - (i) ensuring legal certainty and improving access to justice;
 - (ii) promoting mutual recognition of decisions in civil and commercial cases;
 - (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose;
 - (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the area of judicial cooperation in civil and commercial matters;
- improve information on the legal systems in the Member States and access to justice;
- promote the training of legal practitioners in Union and Community law;
- evaluate the general conditions necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;
- facilitate the operation of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC.

Target beneficiaries of the programme

The programme targets legal practitioners, national authorities, and the citizens of the Union in general. The term 'legal practitioners' is defined as including judges, prosecutors, advocates, solicitors, notaries, academic and scientific personnel, ministry officials, court officers, bailiffs, court interpreters and other professionals associated with the judiciary in the area of civil law..

Funding mechanisms of the programme

As with other programmes of DG Justice's General Programme on Fundamental Rights and Justice 2007-2013, JCIV funds actions through three different mechanisms:

- **Action grants** (hereinafter referred to as 'AG') for:
 - **Specific trans-national projects of Community interest** presented by an authority or any other body of a MS, an international or non-governmental organisation, under the conditions set out in the annual work programme. These projects are co-financed up to 80% of the total costs and form the core of the programme;
 - **Specific projects in the context of the implementation of the European competition rules.** These are projects aimed at promoting judicial cooperation between, and the training of, national judges in the context of the enforcement of the European competition rules including Articles 101 and 102 of the TFEU, as well as the State Aid rules, with the aim of contributing to the development and implementation of European competition policy and Community cooperation measures in the field of competition to ensure the consistency of European competition policy.
- **Operating grants** (hereinafter referred to as 'OG') intended:
 - To co-finance (up to 80%) the annual work programme of non-governmental organisations or other entities pursuing an aim of general European interest (calls for proposal);
 - To co-finance expenditure associated with the permanent work programme of specific organisations mentioned in the legal base (the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union), provided that the grants are used to achieve an objective of European general interest;
 - For operation of the European Judicial Network in Civil and Commercial Matters established by Council Decision 2001/470/EC.
- **Projects at the initiative of the Commission**, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national

experts, analytical, monitoring and evaluation activities. The Commission uses **procurement procedures** for these activities.

During the implementation 2007-2013 period most of the programme funding was allocated to AGs and public procurement. The remainder of the budget was allocated to OGs. Public procurement contracts were used extensively under the JCIV programme to help in developing and implementing EU policy and legislation, dissemination of EU policy and legislation, and ensuring sustainability of project results. To that end, a large amount of money was spent on IT tools and maintenance, particularly for the e-Justice portal, in addition to other tools, such as the European Judicial Atlas in civil matters and the JURE database.

Lead organisations and main activities in the programme

JCIV-funded actions were mainly led by a national authority (22% of all lead organisations), a university (21%), or a European network, platform or forum (20%). Compared to other programmes such as DAP and FRC, national NGOs were in the minority, leading only 8% of the JCIV actions. Regarding partner organisations, the majority were, again, comprised of universities (22%) and national authorities (20%).

The main activities implemented within the framework of AGs focused on analytical activities (26%), training (24%) and awareness-raising, information and dissemination (23%), followed closely by mutual learning, the exchange of good practices and cooperation (18%). In the case of OGs, the main implemented activities were to support key actors (35%), mutual learning, exchange of good practices and cooperation (25%) and awareness-raising, information and dissemination activities (16%). Public procurement contracts focussed on studies, practical guides, conferences, workshops, maintenance of websites and other IT provision.

Main findings and conclusions of the evaluation

Relevance

The programme objectives were assessed as largely *specific* (targeting a specific area for improvement), *attainable* and *realistic*, given the programme resources. However, they were neither *measurable*, as they did not quantify or at least suggest an indicator of progress, nor *time-related*, as the objectives were not linked to a specific time-line², thus did not specify by when the results should be achieved.

The area of justice had a developing and very dynamic policy agenda. Within this context, the annual priorities were clearly set in a way to contribute to the achievement of the foreseen objectives, focusing on the specific needs of the ongoing policy and legislative developments over the programme's duration, which appear to have been adequately addressed. According to the Commission officials interviewed, however, the process to select the programme's priorities was a difficult exercise as it took two years to implement the priorities set, which in the meantime might have changed³. There was little room for manoeuvre, once priorities had been set, although in principle a very good project which did not reflect any priority could receive an award thanks to other award criteria. While this allowed for an intervention at the time of the projects' selection, it did not prevent implemented projects from being useless if in the meantime a priority may have changed. With regard to training, for example, training needs might arise that did not fall under the set priorities and could not be funded under the programme because they were not taken into consideration in a specific call⁴.

² Although it can be noted that the programme and each funded action both have a time limit of seven and (maximum) two years respectively.

³ Training in particular may be affected by this issue because training is always provided on existing instruments and policies and must be offered to authorities and professionals as quickly as possible after the adoption of new instruments and policies to be effective. The training needs of the target group could in fact change during the relatively long time between the draft of the project application and the project implementation.

⁴ The issue has been solved in the current 2014-2020 programme by listing "other training modules for members of the judiciary and judicial staff" under 'training activities' as a type of action in Article 6(b) of [Regulation \(EU\) No 1382/2013 of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020](#).

According to grant beneficiaries, the actions funded under the call for proposals were relevant to their needs. Although the majority indicated that they carried out needs assessments to support the development and design of their projects, this was not generally evident in the application forms. While the Commission did not specifically require applicants to carry out and document a needs assessment, doing so would have given grant applicants a much clearer indication of the relevance of their project, provided a baseline upon which to evaluate project success at a later date, and improved the quality of their study. While projects that are not based on a needs assessment might still be relevant to the target groups' needs, a lack of a needs assessment creates a risk that more relevant means or methods of supporting the target groups may have been possible.

Coherence and complementarity

The evaluation examines both how the JCIV programme relates to other programmes and the extent to which it is aligned with (coherent) or supports/feeds into (complementary) policy initiatives, e.g. action plans, policy roadmaps, legislation. It also considers coherence and complementarity at the level of the JCIV's calls for proposals, when priorities are set forth, and at the project level.

The evaluation findings show that JCIV is complementary, in terms of certain objectives and thematic areas, nature of the programme and target group(s) covered, with the Fundamental Rights and Citizenship (FRC) and the Criminal Justice (JPEN) programmes.

Regarding synergies at the EU and national levels as well as within the programme itself, the evidence gathered showed such synergies were established, for example, with regard to different organisations targeting the same end beneficiaries.

Finally, concerning the programme's coherence with policy developments at EU and national levels, the JCIV was able to reinforce policy developments and legislation in the field of civil justice through the different types of funded activities.

Effectiveness

Overall, JCIV actions were effective in achieving the general objectives of the programme and there is some evidence of useful outcomes, including the achievement of unplanned positive outcomes⁵.

Out of the 146 AGs and OGs implemented during the programme period, 107 were finalised at the time information was made available for this evaluation. Final reports were available only for 94 of them. The remainder of information on outcomes or impact is based on the self-reporting by project managers and partners.

A review of the Final Reports for these actions found 54 AGs and six OGs with some evidence of useful outcomes. Most of the 247 procurement contracts awarded appear to have been finalised, and in a few cases there is evidence of outcomes, e.g., where web-links are provided to final reports or websites. However, information on outcomes and impacts was limited, which made it somewhat challenging to assess the effectiveness of JCIV funding tools in achieving the programme objectives.

Most AGs and OGs assisted with the preparation of on-going or future initiatives in this area, through research, analysis and other support activities that provided clear and detailed information on the problems and the situation on the ground. For example, one project developed a large network of interconnected registers of wills, in line with the Succession Regulation⁶ which at that time was under negotiation and finally adopted in 2012. Another focus was the strengthening of existing judicial, academic and professional networks in civil and commercial law matters.

However, the relatively long duration of the project cycle (about two years) at times led to problems where policy priorities changed by the time of project finalisation. This could affect or even nullify the effectiveness of a project. For example, the electronic *apostille* project (e-APP)⁷ led by the Hague

5

⁶ Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

⁷ JUST/2009/JCIV/AG/0037.

Conference on Private International Law (HCCH) was very successful, but some years afterwards, the Commission presented a proposal for a Regulation⁸ to abolish the *apostille* system.

Public procurement contracts were also used to support policy and legislative developments, via evaluation and implementation studies or the maintenance of online databases, such as the European Judicial Atlas in civil matters which provides user-friendly access to information relevant for judicial cooperation in civil matters, enables professionals and the general public to easily identify the competent courts or authorities under the civil justice instruments, and provides on-line forms that can be filled in, automatically translated into another language and transmitted electronically.

Most AGs but also some OGs supported the practical application and implementation of existing EU policy and legislation, promoted networks to help with the consistent implementation of EU instruments across Europe, and carried out training and capacity building for legal professionals and other practitioners, to equip them with the tools to effectively put EU rights and policies into practice. The projects and their activities also contributed to the implementation of EU policies and legislation indirectly, ranging from the creation of practical tools addressing cross-border or Union-wide challenges and contributing to the elaboration and dissemination of best practices. Public procurement contracts played a special role in the implementation of legislation and policy, through stakeholder consultations, impact assessments and feasibility studies.

Sustainability, transferability and innovation

The sustainability of the projects funded through the JCIV programme was assessed according to whether the results, outcomes and impacts achieved would continue beyond the project period. Three levels of sustainability were identified in the evaluation: short-term sustainability, which is achieved mainly through dissemination of projects' results; medium-term sustainability, which includes continuation of project results and/or partnerships; and longer term sustainability, which is achieved mainly through the successful transfer of projects' results to other contexts, organisations and Member States without additional funding (or with limited funding only).

Regarding short-term sustainability, the Commission's efforts to disseminate (and monitor) the results of projects have been, overall, limited. Dissemination to a wider public is identified as a key element for ensuring better impact for the programme. Commission officials interviewed as part of this evaluation expressed their concern with regard to the lack of a specific channel for disseminating the results of the JCIV programme, in particular because:

- A proper/structured communication system between grant beneficiaries and policy/legislation makers did not exist, which inhibited the extent to which project results could be used to inform policy and legislation;
- Managers of other projects (JCIV grant beneficiaries) were unaware of what other projects did, whilst they could have benefitted from their results. This lack of awareness of other projects could also lead to overlapping activities being implemented;
- Interviews with Commission officials showed an overall lack of information concerning projects outputs, which could have supported the development of policies and legislation, as well as the day-to-day work of the Commission.

This severely limited the effectiveness of the dissemination of results achieved under the JCIV programme. An improved dissemination mechanism would not only help to better communicate results to policy and decision makers, but would also benefit project monitoring and knowledge sharing. Regarding grant beneficiaries' dissemination, the evaluation findings showed that most of AGs and OGs had established clear plans for disseminating the results of their project/activities. In most cases, such plans foresaw the dissemination of results in more than one language and in more than one country.

Regarding medium-term sustainability, at least some actions implemented under the JCIV continued once EU funding ended. The evidence collected on continuation of partnerships is contradictory as while the final reports of JCIV-funded actions suggested that it was remarkably low, the on-line survey showed different results with the majority of respondents indicating that the partnership continued.

This contradiction in the data could be due to the fact that the final reports might have provided incomplete information on this topic, whilst the surveys directly gathered the views of the project managers. Therefore, the data resulting from the survey is likely to be more representative of the actual situation.

Regarding long-term sustainability, overall, project outputs were considered transferable to other target groups or countries, although some adaptation would often be required, e.g. translation or adaptation of project's methodology to the local context. Public procurement contracts played a special role in ensuring long-term sustainability of certain project results, such as maintenance of the European Judicial Atlas in civil matters and the JURE database.

Finally, most projects demonstrated innovation in terms of the activities or practices that were implemented, in particular, by targeting groups or introducing aspects that were not researched or addressed before, and innovation of the methods used.

Efficiency and scope for simplification

Overall, the funding provided to AGs, OGs and procurement contracts appears to have been sufficient to make an impact regarding JCIV general objectives, which appear concrete, realistic and not overly ambitious.

Determination of whether the financial resources made available were used efficiently requires an analysis of the inputs (i.e. costs of the project) versus the outputs produced. Since information was only provided concerning the total cost of the grant (whether the commitment or the payment), it was not possible to provide a full input – output analysis. In an effort to produce some analysis of project inputs and outputs, a set of projects with similar activities were identified and compared in terms of their overall costs and generated outputs. It appeared that in general resources were used efficiently. This was confirmed by the high ranking assigned by the grant beneficiaries to the efficiency of the implemented actions.

The expected impact of JCIV was to contribute to the 'emergence of a European area of justice in civil and commercial matters based on mutual recognition and mutual confidence'. While this is a hugely ambitious and certainly challenging goal, when looking at project achievements the outcomes and impacts identified would suggest that spending was reasonable, keeping in mind that a number of projects were still to be completed and that outcomes and impacts take time to manifest themselves (and for many projects would not yet have been observable at the time of writing their final report).

The Commission's management of the JCIV was, overall, perceived as efficient in terms of the requirements imposed on applicants and grant beneficiaries and in view of the support received. However, some organisations experienced difficulties with the application and implementation process. For example, stakeholders noted complex procedure for applying in the calls for proposals and difficulties encountered with the technical and IT system, which led to some organisations refraining from responding to the calls for proposals. There is some scope for simplifying the procedures for applicants and beneficiaries including: improving technical/IT systems; simplifying accounting procedures and financial reporting; improving and speeding up the feedback process; paying institutions for their work. Reporting arrangements were overall considered appropriate but sometimes cumbersome, particularly with regard to financial reporting. The Commission's monitoring arrangements were overall perceived as useful.

European added value

The JCIV programme's added-value mainly relates to its transnational dimension within the EU. The programme was established in order to develop an area of freedom, security and justice, in which the free movement of persons is ensured. Member States cannot effectively address this by themselves. Therefore the programme was designed to require a European response, including the exchange of information at EU level and ensuring the dissemination of good practices throughout the EU. Cooperation between EU Member States is therefore crucial for the implementation of the programme. The EU nature of the programme is reflected in the objectives of the programme as well as in relation to the eligibility of actions, as stressed in the founding Decision, the Annual Work Programmes and the Call for Proposals, which required to demonstrate that the proposals would constitute added value at EU level as opposed to national or regional level.



Concerning geographical coverage, the evaluation concludes that not all Member States were equally covered.

The transnational partnerships formed for the implementation of projects increased the geographical coverage of JCIV, along with the scope for dissemination of the results between Member States. Moreover, the nature of JCIV brought added value to the EU in achieving its objectives of cross-border cooperation, elaboration and dissemination of best practices and developing mutual trust among Member States information.

1 Introduction

1.1 Methodology and sources of information

The evaluation report of the JCIV Programme has been developed on the basis of:

- An extensive review of the available documentation of 130 AGs and 16 OGs funded by the programme 2007-2013;
- A review of programme documentation, such as the founding Decision, annual work programmes and calls for proposals for both grants and public procurement contracts;
- A review of other information available online, e.g. EU policy documents, websites/founding Decisions of related EU programmes;
- A quantitative analysis of a sample of all 146 AGs/OGs;
- An analysis of 52 responses to the online survey from the JCIV grant beneficiaries;
- 15 follow-up interviews with coordinators of projects/organisations receiving JCIV grants 2007-2013;
- Four scoping interviews with Commission officials.

Further information on the characteristics of the data (demographic of respondents and scope of the quantitative sample) are provided in [section 1.2](#) below.

1.2 Key characteristics of the programme

1.2.1 Overview and intervention logic

The JCIV Programme was established by Council Decision 1149/2007/EC of 25 September 2007 (hereinafter referred to as 'founding Decision') for the period 2007-2013 as part of the Programme "Fundamental Rights and Justice".

Article 2 of the founding Decision outlines the general objectives. These are to:

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

Article 3 outlines the specific programme objectives. These are to:

- foster judicial cooperation in civil matters aiming at:
 - (i) ensuring legal certainty and improving access to justice;
 - (ii) promoting mutual recognition of decisions in civil and commercial cases;
 - (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose;
 - (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
- improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
- ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the area of judicial cooperation in civil and commercial matters;
- improve information on the legal systems in the Member States and access to justice;
- promote the training of legal practitioners in Union and Community law;
- evaluate the general conditions necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;



- facilitate the operation of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC.

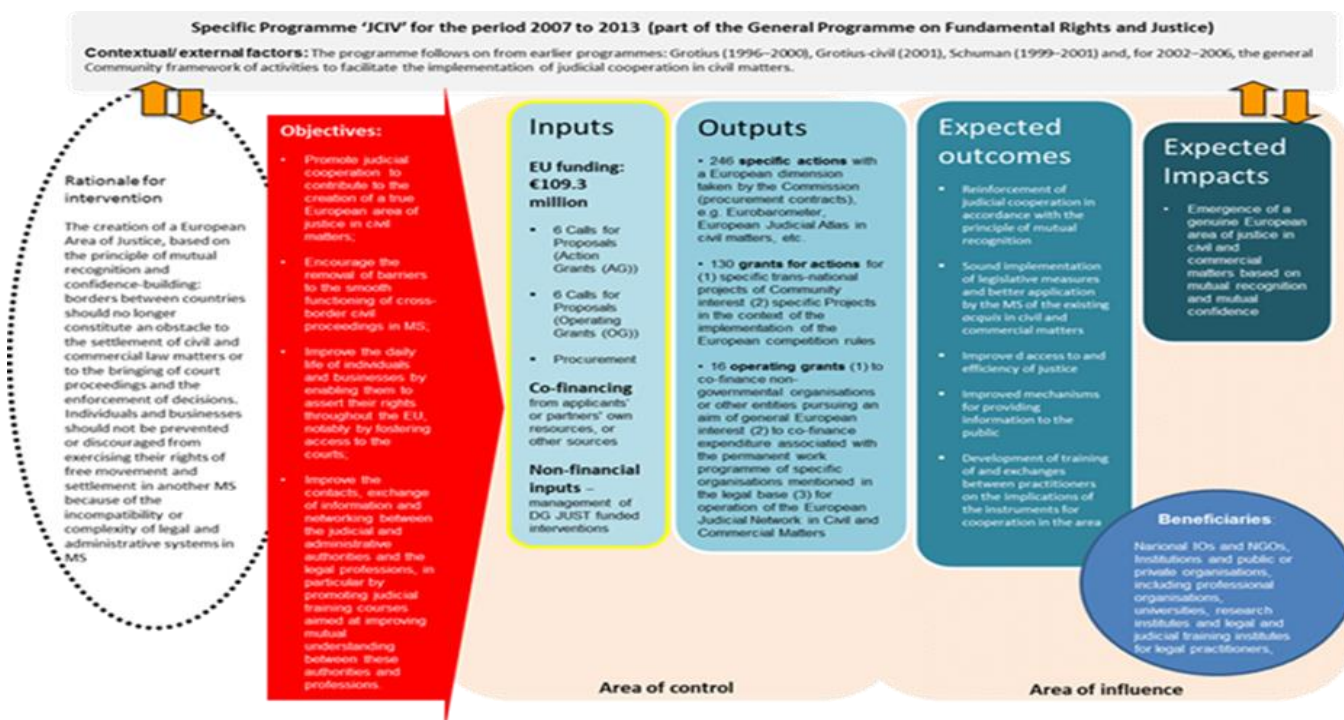
The JCIV specific objectives better define the general ones in terms of expected outcomes of the programme. The JCIV Programme, as with other programmes forming part of DG Justice's General Programme on Fundamental Rights and Justice 2007-2013, provides for various types of action, including:

- Action **grants** (hereinafter referred to as 'AG') for:
 - **Specific trans-national projects of Community interest** presented by an authority or any other body of a MS, an international or non-governmental organisation, under the conditions set out in the annual work programme. These projects are co-financed up to 80% of the total costs and form the core of the programme;
 - **Specific projects in the context of the implementation of the European competition rules.** These are projects aimed at promoting judicial cooperation between, and the training of, national judges in the context of the enforcement of the European competition rules including Articles 101 and 102 of the TFEU, as well as the State Aid rules, with the aim of contributing to the development and implementation of European competition policy and Community cooperation measures in the field of competition to ensure the consistency of Community competition policy.
- **Operating grants** (hereinafter referred to as 'OG') intended:
 - To co-finance (up to 80%) the annual work programme of non-governmental organisations or other entities pursuing an aim of general European interest (calls for proposal);
 - To co-finance expenditure associated with the permanent work programme of specific organisations mentioned in the legal base (the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union), provided that the grants are used to achieve an objective of European general interest;
 - For operation of the European Judicial Network in Civil and Commercial Matters established by Council Decision 2001/470/EC.
- **Projects at the initiative of the Commission**, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities. The Commission uses **procurement procedures** for these activities.

The total planned budget for the JCIV programme for its implementation period January 2007 - December 2013 amounted to € 109.3 million.

Figure 1.1 below presents the intervention logic underpinning the JCIV programme.

Figure 1.1 Intervention logic underpinning the JCIV programme



1.2.2 Key characteristics (key elements of the quantitative analysis of the programme)

As described above, JCIV funding was made available through AGs, OGs and public procurement contracts. Over the 2007-2013 financial period, the Commission published 6 calls for proposals for AGs and 6 calls for proposals for OGs and 247 Commission initiatives were launched.

Table 1.1 summarises the number of different actions funded in each year of the programme implementation period. Calls for proposals for AGs and OGs were split across the years 2011 and 2012.

Table 1.1 Number of actions funded per year

	2007	2008	2009	2010	2011	2012	2013	TOTAL
Action grants (AG)	24	19	18	16	25		28	130
Operating grants (OG)	2	3	3	3	2		3	16
Public procurement	2	22	22	52	36	63	50	247

The majority of the JCIV actions were led by a national authority (22% of all lead organisations), a university (21%), or a European network, platform or forum (20%). Compared to other programmes such as DAP and FRC, national NGOs were in the minority, leading only 8% of the JCIV actions.

Regarding partner organisations, the majority were, again, comprised of universities (22%) and national authorities (20%). Other education and training institutes (15%), national NGOs and platforms (13%) and legal professionals (10%), formed the second tier of partner organisations.

Regarding the main activities addressed by JCIV grants, AGs funded actions mainly focused on analytical activities (26%), training (24%) and awareness-raising, information and dissemination (23%), followed closely by mutual learning, the exchange of good practices and cooperation (18%).

In the case of OGs, the main implemented activities were to support key actors (35%), mutual learning, exchange of good practices and cooperation (25%) and awareness-raising, information and dissemination activities (16%).

Public procurement contracts focussed on studies, practical guides, conferences, workshops, maintenance of websites and other IT provision.

1.3 Issues raised in the interim evaluation

The mid-term evaluation⁹ of the JCIV programme showed that the financed projects contributed to the fulfilment of the programme's objectives and, more generally, responded to the Commission's desire to promote knowledge of European law and its correct implementation in the field of civil justice.

Although the mid-term evaluation indicated that it was still too early to make an in-depth analysis of the programme's impact and results, it also highlighted that major Commission initiatives were already under way (the Judicial Atlas, database, information campaigns, conferences and studies). These initiatives would contribute to keep legal professionals, and even the general public, informed about recent developments in European civil law in various complementary ways. Particular emphasis was laid on practical and relevant information that could be accessed using new communication technologies.

However, the mid-term evaluation also underlined that not as many grant applications as originally expected had been received and that their geographic spread was not very wide. In the first four years of the programme, the Commission received a total of 150 proposals compared to an expected number of between 100 and 150 in the first year. The mid-term evaluation identified the following possible causes for this:

- The technical nature of the topics covered by the programme;
- The difficulty for small organisations in finding partners and their own sources of co-financing;
- The scarce knowledge of the programme outside its inner circle of "clients"; and
- The fear of potential candidates for complex procedures.

The mid-term evaluation indicated that the first of these difficulties, the technical nature, was intrinsic to the programme. However, it made two recommendations to address the other difficulties:

- "To increase the publicity of the programme, particularly through presentations in Member States to reach more grassroots organisations and inform them on how to apply, how to design a good project and how to find partners. The Commission works in partnership with the national authorities concerned, which are responsible for bringing together the relevant associations. Visits of this type to several Member States since 2008 have raised participation from these States";
- "To simplify procedures - an exercise uniting the requirements of transparency, sound financial management and equal treatment of partners. Current procedures lead to unacceptably long delays between the publication of calls for proposals and the start-up of projects. They are caused by a plethora of administrative steps that are disproportionate to the amounts involved, e.g. deadlines for submitting proposals, internal procedures of the Commission, discussions on budgets with the recipients and committee procedures".

The mid-term evaluation also emphasised the need to better define the programme's annual priorities and focus more on political activities. It recommended promoting projects meeting those priorities, with a real European dimension, and significant European added value, and financing larger projects to achieve this. Aligned with this, disseminating the results of these projects would contribute to ensure their visibility and that of the programme as a whole.

The mid-term evaluation noted that the results so far regarding OGs were disappointing – although, this could be due to a declining enthusiasm for this type of grant and the fact that most of the proposals received were closer to specific projects than annual work programmes. In addition, the mid-term evaluation remarked that it was very difficult to identify the European dimension in this type of activity. It recommended the discontinuation

⁹ European Commission, Interim evaluation report on the results obtained from and the qualitative and quantitative aspects of the implementation of the Civil Justice financing programme, 15.06.2011 [COM(2011) 351 final].



of the OGs in 2014 – taking into account the workload created by the publication of an annual call for proposals and the results obtained.

Regarding the next financial programming period starting in 2014, the mid-term evaluation observed the possibility of merging the JCIV programme with the JPEN programme. The programmes were kept separate in 2007 because of their different legal bases, which called for different adoption procedures, but this is no longer the case since the Lisbon Treaty entered into force.

2 Relevance of the programme

The relevance of an intervention is assessed in terms of the extent to which its actions logically address its objectives, the wider policy needs of the EU, and the needs of target audiences.

2.1 Relevance of the priorities and the funded actions to the programme objectives and to the policy initiatives and developments

2.1.1 General and specific objectives

The founding Decision establishing the JCIV programme set general and specific objectives (see [Section 1.2.1](#) above). The general objectives of the JCIV programme are worded in a similar way to the specific objectives and the alignment between the two of them is thus very clear, as shown in Table 2.1 below.

Table 2.1 Alignment between general and specific objectives of the JCIV programme

General objectives	Specific objectives
1) To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence;	(a) To foster judicial cooperation in civil matters aiming at: (i) ensuring legal certainty and improving access to justice; (ii) promoting mutual recognition of decisions in civil and commercial cases; (iii) eliminating obstacles to cross-border litigation created by disparities in civil law and civil procedures and promoting the necessary compatibility of legislation for that purpose; (iv) guaranteeing a proper administration of justice by avoiding conflicts of jurisdiction;
	(f) To evaluate the general conditions necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary;
2) To promote the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States;	(c) To ensure the sound implementation, the correct and concrete application and the evaluation of Community instruments in the area of judicial cooperation in civil and commercial matters;
	(d) To improve information on the legal systems in the Member States and access to justice;
3) To improve the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice;	(a) To foster judicial cooperation [...];
	(d) To improve information on the legal systems in the Member States and access to justice;
4) To improve the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals.	(b) To improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices;
	(e) To promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary;
	(g) To facilitate the operation of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC.

From a general point of view, all general and specific objectives are geared towards promoting judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil and commercial matters¹⁰. When assessing whether the objectives are SMART, it can be concluded that they are *specific* (in that they target a specific area for improvement), *attainable* and *realistic*, as they can be realised through the funded actions and within the programme resources. However, they are neither *measurable*, as they do not quantify or at least suggest an indicator of progress, nor *time-related*, as the objectives are not linked to a specific time-line¹¹, thus it is not specified by when the results should be achieved.

Fostering European Judicial Training is a broad objective of the Commission, which prioritises training on specific subjects in accordance with policy needs and in line with the work of the European Judicial Training Network (EJTN). As from 2011, the European Commission set a target to train half of all legal practitioners (around 700.000) in the EU in European law and in the law of a Member State by 2020¹². Under the JCIV programme, European judicial training was mainly supported through AGs and a few specific actions¹³, while OGs were awarded in this area through different programmes¹⁴.

Given the responsibility of the European Commission to run the secretariat of the European Judicial Network in Civil and Commercial Matters (EJN-civil), funds were also allocated to support its operation. The objective of facilitating its operation pertains to general objective 4¹⁵, although it could be argued that it is a horizontal objective¹⁶.

The Network generally meets six times per year to discuss problems in the application of the existing civil justice instruments, the publication of practical guides for practitioners or citizens and updating the website. Working groups are generally created to that end. The EJN-civil is funded through contracts under public procurement or administrative arrangements.

2.1.2 Annual priorities

The Commission ensured that the programme achieved results that were consistent with these objectives by setting priority areas of work in each annual work programme. Priority areas determined the focus of activities funded through AGs. The grants funded by the programme had to implement activities falling within one, or more, of the priority areas. Each year priorities could be adapted according to the EU policy agenda and according to the practical needs in the different sectors.

Relevance to the objectives and the annual work programme (i.e. annual policy priorities) as an award criterion increased with the 2011-2012 call for proposals. The weight of the criterion was raised from 15 to 30 points in the 2011-2012 call and reduced to 20 in the 2013 call. This reflected the need for grants to be aligned with the programme's objectives and be complementary to other EU activities. This change was in line with the mid-term evaluation carried out by the Commission, which recommended to better align the priorities of the call

¹⁰ This is the ultimate objective of the JCIV programme as indicated in the Framework Programme 'Fundamental Rights and Justice' for 2007-2013. See European Commission, Communication establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice, [COM(2005) 122 final] of 6.4.2005.

¹¹ Although the programme and each funded action have time limits of seven and (maximum) two years respectively.

¹² European Commission, Communication 'Building trust in EU-wide justice a new dimension to European judicial training', [COM/2011/0551 final] of 13.09.2011.

¹³ A framework contract with several specific sub-contracts to create training material mainly on the family law instruments and to organise training seminars.

¹⁴ E.g. to the EJTN via the JPEN programme and to other organisations, such as the Academy of European Law (ERA) and the European Institute of Public Administration (EIPA), through OGs granted by DG EAC.

¹⁵ As it results from the annual work programmes.

¹⁶ The EJN-civil in fact gives 'unofficial' support to the central authorities as stipulated in their instruments, and facilitates relations between different courts through a network of national contact points. The Network also represents an original and practical response to achieving the objectives for enhanced access to justice and judicial cooperation. The EJN therefore provides valuable access to justice for persons engaged in cross-border litigation. Finally, the EJN-civil participates in the process of evaluating Union instruments by identifying possible weaknesses in application and coming up with proposals for an even better regulation.

for proposals with those of the Commission policy and to promote grants that correspond to these priorities.

The process put in place to select the programme's priorities mainly occurred within the relevant policy unit – according to the policy agenda and practical needs in each area. The different DGs were consulted within the Inter-service consultation. This process was meant to ensure that the priorities were consistent with EU policies and to avoid overlaps with other programmes. According to the Commission officials interviewed, it was a difficult exercise however to set policy priorities that would require two years to be implemented, as in the meantime priorities might change. Training in particular may be affected by this issue, as flagged by the Commission officials interviewed, because training is always provided on existing instruments and policies and must be offered to authorities and professionals as quickly as possible after the adoption of new instruments and policies to be effective. The training needs of the target group could in fact change during the relatively long time between the draft of the project application and the project implementation. Moreover, as initially the programme was not very well known by relevant stakeholders and relatively few applications were received, it was decided to keep the priorities rather broad in the first calls for proposals.

There was little room for manoeuvre, once priorities had been set, although other award criteria, such as the quality of the proposed actions and the sustainability of the projects, scored more points¹⁷ or the same¹⁸ as relevance and therefore in principle a very good project which did not reflect any priority could receive an award. This, however, allowed for an intervention at the time of the projects' selection but did not prevent implemented projects from being useless if in the meantime a priority may have changed. With regard to training, for example, there would still be training needs not falling under the set priorities which could not be funded under the programme because they were not taken into consideration in a specific call¹⁹. This was the case for example for language training on legal terminology or on the *acquis*, for which in principle there is always a need.

During the first years of the programme - before DG Justice Freedom and Security (DG JLS) was split into DG Justice and DG Home in 2010 - the policy units were not systematically involved and there was a general tendency to keep the same broad policy priorities, reflecting the objectives set by the legal basis. At that time, there was one financial unit per corresponding policy directorate, which, on the one hand, may have allowed for quicker and maybe better communication between policy officers and financial officers but, on the other hand, contributed to a lack of coherence in the management of the five different programmes. When the Commission decided to split DG JLS into two new DGs, a single financial unit was created in DG Justice to cover all different sectors and the policy units were requested to systematically provide for specific policy priorities for the programmes.

For practical reasons, each priority is located under a general objective under each call. However, generally, they do not correspond exclusively to one particular programme objective, as all objectives are interlinked²⁰. Some priorities, especially in the first annual work programmes, are broadly drafted and largely reflect the objectives set in the legal basis

¹⁷ In all different calls from 2007 to 2010, relevance is scored as 15 points, like the appropriateness of the amount requested and the geographical scope, while the quality of the proposal is scored as 30 points and the sustainability of the project as 25 points.

¹⁸ In the 2011-2012 call, both relevance and quality are scored as 30 points each, while European dimension is scored as 20 and dissemination/sustainability and value for money/cost effectiveness are scored as 10 points each. In the 2013 call, each of the five award criteria is scored as 20 points.

¹⁹ The issue has been solved in the current 2014-2020 programme by listing "other training modules for members of the judiciary and judicial staff" under 'training activities' as a type of action in Article 6(b) of [Regulation \(EU\) No 1382/2013 of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020](#).

²⁰ In Annex II, the priority areas are presented in full alongside the general objectives with which they align. Regarding the alignment between priority areas and general objectives, the table indicates the objective under which the priority was located in each call (in black): in this regard, the objectives, which appear to be more consistently covered over the years, refer to the promotion of judicial cooperation in civil matters (objective 1) and improving contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions (objective 4). However, the table also shows the other objectives matched by each priority (in purple) demonstrating that all objectives are strictly interlinked. It could be concluded that, overall, all of the priorities were covered.

(e.g. in 2007 'overcoming the practical and administrative barriers encountered by citizens and businesses in the implementation of instruments adopted on the basis of Article 61(c) of the Treaty establishing the EC' which covers judicial cooperation in civil matters in general) without focusing on specific instruments. In the following years the focus is clearly on specific instruments, which could change every year (e.g. in 2011-2012: contractual and non-contractual obligations/Rome I and II, debt recovery/small claims procedure, European Order for Payment procedure, European Enforcement Order for uncontested claims; and in 2013: parental responsibility/Brussels IIa, service of documents, legal aid) or remain the same throughout two or more subsequent work programmes (e.g. both in 2011-2012 and in 2013 funding focused on maintenance obligations, insolvency proceedings, recognition and enforcement of judgements/Brussels I and mediation).

Training was a priority throughout the programme - in line with general objective 4 of 'improving mutual understanding among legal, judicial and administrative authorities and legal professionals, including by way of support of judicial training' and specific objective (e) of 'promoting the training of legal practitioners in Union and Community law' - and the policy attention given to the subject as demonstrated by the horizontal DG Justice's target set by the Commission in 2011 to enable half of the legal practitioners in the EU to participate in European judicial training activities by 2020²¹. Regarding training in civil and commercial matters, priority was given, in the different calls of 2007-2013, to training carried out on specific instruments e.g. in 2007 and 2008 'training for the judges and the central authorities referred to in the parental responsibility Regulation (new Brussels II Regulation)'. In addition, priorities included general training on IT technologies (e.g. in 2008 'training for judges and legal practitioners on using and applying new IT technologies'), linguistic training (e.g. in 2011-2012 'development of appropriate training modules and methodologies for linguistic training of judges, including administrative judges'), training on the *acquis* (e.g. in 2011-2012 'training for practitioners of justice in legislative instruments adopted on the basis of Article 81 of the Treaty on the Functioning of the European Union').

From 2008, calls introduced a priority for activities related to the use of electronic and e-Justice tools, in line with the strategy launched by the Commission for e-Justice²² and its aim of developing the European e-Justice Portal by the middle of 2010. The Portal provides concrete benefits to citizens in providing them answers on how the EU Member States' legal systems function. It helps them find relevant information when dealing with events such as divorce, death, litigation or even moving house. Businesses can find links to insolvency and land registers and information on cross-border proceedings and the applicable laws.

The area of justice had a developing and very dynamic policy agenda (see annex III). Within this context, the annual priorities were clearly set in a way to contribute to the achievement of the foreseen objectives, focusing on the specific needs of the ongoing policy and legislative developments.

When looking at the priorities established in the context of the JCIV programme, **four main aims** can be identified:

- **Helping to identify problems, acquire information and test possible solutions which may lead to the adoption of legislation:** e.g. in 2009 and 2010 'encouraging the development and use of electronic tools (e.g. e-Signature) in the context of justice and on the basis of exchange of best practices' which for example provided a very successful project on the *e-apostille*²³ which at first appeared to be the solution for the circulation of public documents but was later abandoned by the Commission who presented a proposal to abolish the *apostille* system²⁴. In 2007 'encouraging mutual recognition of

²¹ See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions 'Building trust in EU-wide Justice – A new dimension to European Judicial Training', [COM(2011) 551 final] of 13.9.2011.

²² Commission's Communication "Towards a European e-Justice Strategy" [COM(2008) 329 final] of 30 May 2008.

²³ The 'e-APP' project (JUST/2009/JCIV/AG/0037) on the electronic *apostille* which was very successful according to the Commission officials interviewed and triggered a wide debate at EU and international level.

²⁴ Proposal for of the European Parliament and of the Council on promoting the free movement of citizens and businesses by simplifying the acceptance of certain public documents in the European Union and amending Regulation (EU) No 1024/2012 [COM(2013) 228 final], [2013/0119 (COD)] of. 24.4.2013.

successions and wills' (Succession Regulation 650/2012) and 'improving mutual recognition in family law matters, in particular encouraging mutual recognition of the patrimonial effects of the separation of married and unmarried couples on property matters' (Regulations still under negotiation). In 2011-2012 and 2013 a priority on 'projects concerning the 2007 Hague Convention on the International Recovery of Child Support' can be explained by the fact that the EU adherence to that convention was under discussion at that time²⁵;

- **Enhancing the quality implementation and application of the adopted legislation:** e.g. in 2011-2012 'projects concerning the 2008 Directive on mediation' and in 2013 'projects concerning the Brussels IIa Regulation'. Sometimes the priorities are drafted in a way to assist with the application of specific instruments while at the same time leaving space for **exploring uncovered paths**: e.g. in 2007 'improving the enforcement of judgments in cross-border cases in the Union, and in particular the means of recovering debts where the debtor has assets outside his country of residence' clearly refers to the 2004 Regulation on the European Enforcement Order for uncontested claims, the 2006 Regulation on the European Order for Payment procedure and the 2007 Regulation on the small claims procedure, but acknowledges, in the way in which it is drafted that not all means of recovering debts are covered by these three regulations;
- **Training legal practitioners** to equip them with the tools to effectively put civil justice policy and legislation into practice and **supporting information and public awareness raising** on the civil justice *acquis* in general: either training on specific issues/instruments (e.g. in 2011-2012 'training for professions dealing with insolvency and debt management' and in 2008 'training for judges and central authorities referred to in the parental responsibility Regulation on the operation of that Regulation in relation to their judicial cooperation functions') or on horizontal issues (e.g. in 2008 'training for judges and legal practitioners on using and applying new IT technologies' and in 2013 'development of appropriate training modules and methodologies for linguistic training of judges');
- **Strengthening networks**, i.e. EU-wide organisations to assist with the preparation of future initiatives in this area, as well as to promote their consistent implementation across Europe, e.g. in 2011-2012 'improving of the functioning of the EJN in Civil and Commercial Matters and the functioning of national judicial cooperation networks'.

As already confirmed in the mid-term evaluation, the priorities set forth in the context of the JCIV Programme were highly consistent with EU policy and legislative developments over the programme's duration, and appear to have adequately addressed those policy and legislative developments.

However, priorities on e-justice should be more targeted, with a clear link with the e-Justice Portal in terms of issues covered and criteria fulfilled in order to allow the projects results to be published in the Portal, hence ensuring their sustainability in the long-term.

2.1.3 Relevance of the funded actions to the objectives and to the annual priorities

As already mentioned under [section 2.1.2](#), relevance of the funded actions to the objectives and to the annual priorities, was a main award criterion for selecting grant beneficiaries, particularly for AGs. Its importance overall increase from 2011 in line with the recommendations contained in the mid-term evaluation.

A grant could address more than one objective. The total number of objectives addressed does not align with the number of grants awarded²⁶. From the analysis of the project documentation, it resulted that most of the AGs and OGs addressed the specific objectives a) (promoting judicial cooperation in civil matters), b) (improving contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions), and d) (improving information on the legal systems and access to justice in Member States), followed by – but only regarding AGs – specific objective e) (promoting the training of legal practitioners).

²⁵ The EU finally adhered to that Convention last year.

When looking at the relation between grants and policy priorities, the most ‘successful’ priorities throughout the whole financial implementation period concerned e-justice, training and specific legal instruments in civil matters (see Annex IV).

2.1.4 Relevance of the funded actions to the policy initiatives and developments

As already discussed, the JCIV programme has been closely linked to the main policy developments and legal instruments in the civil justice area since its beginning, and regular efforts have been made to align the JCIV programme with new policy and legislative developments through the setting of priorities in the calls for proposals.

The programme was clearly designed to:

- contribute to **policy and legislative developments**, through research, analysis and other support activities, to provide to the legislator clear and detailed information on the problems and the situation on the ground, as well as through strengthening networks to assist with the preparation of future initiatives in this area. For example, the 2009 AG ‘Interconnecting European Registers of Wills’ project²⁷ aimed at developing a large network of interconnected registers of wills, in line with the policy development which finally led to the adoption of the Succession Regulation²⁸ in 2012. Public procurement contracts were also largely used to that end, e.g. through the European Judicial Atlas in civil matters, the case-law JURE database, as well different evaluation and implementation studies;
- support the **practical application and implementation of existing EU policy and legislation**, through promoting networks, to help with the consistent implementation of EU instruments across Europe, through training and capacity building for legal professionals and other practitioners, to equip them with the tools to effectively put EU rights and policies into practice. For example, two 2009 AGs²⁹ aimed at creating user-friendly tools - available in the European e-Justice Portal³⁰ - to find civil law lawyers and notaries respectively across the EU. Another example is the AG “i-Support” whose purpose was to explore ICT systems in order to implement the EU 2009 Maintenance Regulation and the 2007 Hague maintenance Convention, whose accession was under discussion at the time the project was awarded, and hence can be also be considered under the first bullet point³¹. Public procurement contracts played an important role here too, e.g. via stakeholder consultations, impact assessments and feasibility studies.

2.2 Extent to which the priorities and selected actions meet the needs of the target group

The relevance of the priorities and the selected actions to the needs of the target group is assessed in terms of (i) the extent to which grant beneficiaries had actually carried out an effective needs assessment and (ii) the extent to which grant beneficiaries found the programme relevant to those needs.

2.2.1 Relevance of the programme to grant beneficiaries

Similar to the JPEN programme, at the start of the programme the Commission did not receive the expected number of applications. However, the applications increased considerably as the programme gained more visibility. Indeed, the number of applications for AGs grew after the first four calls, increasing from an average of 40,5 applications in the period 2007-2010 to 127 applications in 2011-2012 and 96 in 2013. Similarly, OG applications reached a peak in 2010, although these fell again after 2010. As a result, success rates were higher in 2008 and 2009 (50% and 43% respectively) dropping to 20% in 2010 and raising slightly to 29% and 38% in 2012 and 2013.

²⁷ IRTE Project n. 2009/20.

²⁸ Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

²⁹ Projects 2009/25 and 2009/7.

³⁰ See http://ec.europa.eu/justice/newsroom/news/20141108_en.htm.

³¹ Project n. 2013/4627.

According to the Commission officials interviewed, one of the reasons for the relatively low number of applications received overall in comparison to other EU justice programmes (e.g. DAP and DPIP), can in part be explained by the fact that the main grant applicants were public authorities and institutions which are not accustomed to applying for grants.

The overall conclusion that the JCIV programme and its priorities were relevant to grant beneficiaries was confirmed during the stakeholder interviews. 10 out of 15 interviewees, indicated that the conceptual framework of the programme (i.e. its objectives and the priorities set) had enabled them to develop their projects as originally envisaged.

However, two of the interviewees indicated that the calls could be more flexible in order to extend the scope of the projects beyond the EU³² and/or to treat and develop the project topics more in depth³³.

2.2.2 Extent to which needs assessments were undertaken

The majority of grant beneficiaries consulted indicated that they carried out needs assessments to support the development and design of their projects. However, this is not generally evident in the application forms. A significant number of grant applicants either did not design and develop their projects on the basis of a needs assessment or did not sufficiently report their assessment of target groups' needs in the grant application form. Although it was not a specific requirement of the Commission to carry out and document a needs assessment, in doing so, grant applicants would have given a much clearer indication of the relevance of their project, would have provided a baseline upon which to evaluate project success at a later date and would have improved the quality of their study. While projects that are not based on a needs assessment might still be relevant to the target groups' needs, a lack of a needs assessment creates a risk that more relevant means or methods of supporting the target groups may have been developed.

Out of 52 respondents to the online survey, 37 indicated that the project/activities were designed on the basis of a needs assessment, although eight indicated that they were not. No reasons were provided in the online survey as to why needs assessments had not been conducted. A review of the application forms of the three survey respondents who responded in relation to one project³⁴ did not give any indication as to why needs assessments had not been conducted. During the follow-up interviews, 13 out of 15 interviewees confirmed that their organisation identified the needs of their target audiences through accurate research.

A further analysis of a sample of application forms for AGs 2007-2013 covering different priority areas show that only some of the projects appear to have been designed and developed on the basis of a needs assessment. The needs assessment should illustrate in the application forms a clear understanding and quantification of the problem or issue the project seeks to address and a clear recognition of the needs of the target group. Out of the applications with needs assessments, one project identified problems, but without showing that this identification was based on research or robust evidence, whilst five projects did not clearly demonstrate how their project responded to any assessment of problems or needs. As a result, the analysis of the grant application forms illustrates that projects tended not to be designed on the basis of a robust needs assessment.

The interviewees confirmed that the robustness of the methods for needs assessment varied. The majority of interviewees, i.e. eight out of 15, based such assessment on their day-to-day knowledge and relying on in-house knowledge or partners' knowledge of the subject matter of the project, as well as on previous work projects carried out on the subject

³² 2010 AG 'EUROME' (JUST/2010/JCIV/AG/0029-30-CE-0423528-00/48). The interviewee indicated that "the calls could be more flexible to be able to include non-EU countries in the projects".

³³ 2011-2012 AG (JUST/2011-2012/JCIV/AG/4000003434). The interviewee suggested that "a broader call for proposals that would enable them to examine more aspects of the main subject would have been more relevant".

2013 AG 'CFMnet' (JUST/2013/JCIV/AG 4000004663). The interviewee indicated that "the priorities could have been enunciated in a more general way. By having to fit the project into the priority area indicated by the Commission the project has been redesigned, covering a smaller scope than initially envisaged".

³⁴ The remaining three had responded to the survey in relation to more than one project funded by a DG Justice programme, hence it is not clear as to which project they were specifically referring.

matter. Five out of 15 interviewees used a more focused methodology to undertake in depth research involving review of national, European and international literature. Two interviewees indicated that they verified their findings through consultation with national and international experts and tested their assumptions consulting the targeted national and international audiences through interviews and surveys.

2.2.3 Extent to which the end beneficiaries and target groups found the programme relevant to their needs

Grant beneficiaries reported that the conceptual framework of the JCIV programme allowed them to develop their projects as planned. Out of 61 respondents to the online survey, 59 declared that they were able to reach the expected target groups. In addition, 86.8% of respondents to the online survey (53) reported that they had received positive feedback from their target group(s) on the relevance of the implemented project/activities to the problems or issues they faced. During the follow-up interviews, the majority of stakeholders indicated that they did not recall the specific messages of the target groups but that their projects were, in general, positively received.

Some interviewees did provide specific messages. Box 3 below presents quotes gathered in the follow-up interviews on the relevance to the needs of the target groups.

Box 3 Examples of the relevance of projects to the needs of the target group

“The project was really useful and contributed to the exchange of knowledge and best practices and to enhancing mutual trust among the project partners and, through dissemination, at EU level”³⁵.

“The project addresses the pressing need of avoiding undue delays in court proceedings and other obstacles by analysing the best practices in digitalisation and the use of technology in court systems and suggesting solutions to avoid duplicities and overlaps”³⁶.

“The project just started in September 2014 so for the time being there has not been any feedback. However the project arises from the previous project ‘External Evaluation of the Insolvency Regulation’ and the stakeholders requested a follow up in view of the imminent amendment of the Insolvency Regulation and its implementation”³⁷.

Feedback from target groups (e.g. as collected through feedback forms) was not consistently reported in the final reports as it was not obligatory to include such information. However, some final reports did include this information and those grant beneficiaries responding to the online survey considered such positive feedback a measure of the ‘success’ of their projects.

³⁵ ‘Enhancing the judicial cooperation in the field of parental responsibility (New Brussels II bis Regulation)’ JLS/2008/JCIV/AG/1013-30-CE-0306630/00-16.

³⁶ ‘CFMnet - Towards European Caseflow management development network - Identifying, developing and sharing best practices’ JUST/2013/JCIV/AG 4000004663.

³⁷ ‘The Implementation of the New Insolvency Regulation – Improving Cooperation and Mutual Trust’ JUST/2013/JCIV/AG 4000004679.

3 Coherence and complementarity

Coherence relates to the extent to which the intervention logic of the programme is internally consistent and non-contradictory, i.e. between objectives, inputs, activities and expected results, and to whether the intervention is non-contradictory with interventions having similar objectives. **Complementarity** concerns the extent to which there is convergence with other policies and interventions (or overlap). Complementarity and coherence can be achieved by creating **synergies**, i.e. concerted actions, collaboration or interaction of different actors/stakeholders mutually reinforcing shared goals. However, overlaps can be identified among the different programmes, as they addressed interlinked issues with common aspects. This could lead to similar funded actions being carried out under different programmes, which have not been evaluated against each other.

3.1 Complementarity with other EU programmes and synergies

3.1.1 Scope for complementarity and overlap of the JCIV programme with other EU programmes

Article 12 of the founding Decision outlines the scope for complementarity with the following EU financial programmes:

- The JPEN programme as part of the General Programme ‘Fundamental Rights and Justice’;
- Security and Safeguarding Liberties, composed of the two financial programmes, i.e. Prevention and Fight against Crime (ISEC) and Prevention, Preparedness and Consequence Management of Terrorism and other Security Related Risks (CIPS);
- Solidarity and Management of Migration Flows, composed of four funds, i.e. External Borders Fund (EBF), European Return Fund (RF), European Refugee Fund (ERF) and European Fund for the Integration of third-country nationals (EIF).

In addition to the programmes explicitly outlined in the founding Decision, the research suggests that further complementarity is possible with a number of other EU instruments, i.e.

- The FRC programme, in terms of certain objectives and thematic areas, nature of the programme, as well as partially regarding target group(s);
- Partially the DAP programme, in terms of nature of the programme and target group(s).

As suggested by the founding Decision’s preamble and as revealed by the assessment provided below, the complementarity of the above-mentioned instruments with the JCIV programme have been assessed in terms of (i) thematic areas and objectives; (ii) the nature of the programme and (iii) the end beneficiaries.

3.1.1.1 Complementarity with respect to objectives and thematic areas

The analysis has found complementarity as well as overlap between the JCIV and JPEN, FRC and (potentially) ISEC programmes, in terms of objectives and thematic areas.

The JCIV programme aims to eliminate obstacles to the smooth functioning of cross-border civil proceedings in EU countries and, thereby, improving the daily life of individuals and businesses by fostering access to justice and promoting judicial cooperation in civil matters.

The JCIV and **JPEN** programmes both aim to establish – in civil and commercial matters and in criminal matters respectively - a European area of justice based on the principle of mutual recognition of court rulings, cooperation between judicial authorities in civil and criminal matters, and fostering trust. They are also intended to facilitate access to the courts and hence to facilitate the lives of European citizens, involving stakeholders and civil society in the debate on justice. There is scope for complementarity between the two programmes in terms of the similar objectives they share. However, whereas the JCIV deals with civil matters, JPEN deals with criminal matters. Risk of overlaps remains, especially on horizontal issues such as e-justice or training. Moreover, some specific subjects fall under civil justice in certain Member States, and under criminal justice in other Member States. This is the

case for protection measures, for example, which in fact are regulated by two separate instruments at EU level, a civil³⁸ and a criminal one³⁹. For this reason, the mid-term evaluation observed the possibility of merging the JCIV programme with the JPEN programme. The programmes were kept separate in 2007 because of their different legal bases, which called for different adoption procedures. However, this is no longer the case since the entry-into-force of the Lisbon Treaty. The programmes are very similar in terms of objectives, management methods, and end beneficiaries and in fact the two programmes have been combined into one funding instrument for the 2014-2020 funding period.

There is potential scope for complementarity with the **FRC** programme's objective of providing 'training to legal professions and legal practitioners'⁴⁰ which could be interpreted as similar to JCIV's objective of 'improving mutual knowledge of EU countries' legal and judicial systems in civil matters for professionals and legal practitioners'.

The JCIV programme aims to 'foster judicial cooperation in civil matters'. Article 3(3) of **ISEC**'s founding Decision states that 'the programme does not deal with judicial cooperation. However, it may cover actions which aim at encouraging cooperation between judicial authorities and law enforcement authorities'⁴¹ and therefore there is a potential scope for complementarity and for overlap with the JCIV.

3.1.1.2 *Complementarity with regard to the management of the programme*

The six funding programmes in place to support EU policies of justice, rights and equality during the 2007-2013 financial perspective⁴² were implemented via centralised direct management, i.e. all programming and operational work is carried out by the European Commission, which retains full responsibility. This means that, every year, each programme adopts its annual work programme, setting funding priorities.

On the contrary, the Asylum, Migration and Integration Funds⁴³ were mainly implemented by EU countries through shared management. This means that each EU Member State implements the funds through national annual programmes on the basis of multiannual programming. When looking at the Security, Borders and Police Funds, only the EBF is implemented by shared management, and the ISEC and CIPS are centrally-managed.

Centralised direct management potentially ensures complementarity between different programmes and avoids overlap. However, as the programmes were managed by different Directorate -Generals, the potential risk of overlap cannot be excluded.

Regarding shared management, the risk of overlapping is clearly broader as each Member State implements the funds through multiannual national programming. In this case, it is difficult to ensure complementarity between the different projects avoiding any risk of overlapping.

3.1.1.3 *Complementarity with regard to end beneficiaries*

From the analysis of the funding programmes in place to support EU policies of home affairs⁴⁴ and other funding programmes in place to support EU policies of justice, rights and equality founding decisions, it appears that the JCIV programme addresses target groups/end beneficiaries, which are also addressed by other EU funding programmes. The

³⁸ Regulation (EU) n. 606/2013 on mutual recognition of protection measures in civil matters.

³⁹ Directive 2011/99/EU on the European protection order.

⁴⁰ European Commission website, Fundamental Rights and Citizenship Funding Programme, available at http://ec.europa.eu/justice/grants/programmes/fundamental-citizenship/index_en.htm.

⁴¹ Council decision of 12 February 2007 establishing for the period 2007 to 2013, as part of General Programme on Security and Safeguarding Liberties, the Specific Programme 'Prevention of and Fights against Crime' (2007/125/JHA) available at <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:058:0007:0012:EN:PDF>.

⁴² The five specific programmes included in the Framework Programme on Fundamental Rights and Justice: Civil Justice (JCIV), Criminal Justice (JPEN), Fundamental Rights and Citizenship (FRC), Daphne III (DAP) and Drug Prevention and Information Programme (DPIP) and the employment and social solidarity programme (PROGRESS), which was established to support financially the implementation of the objectives of the European Union in employment, social affairs and equal opportunities, as set out in the Social Agenda.

⁴³ European Return Fund (RF), European Refugee Fund (ERF) and European Fund for the Integration of third-country nationals (EIF).

⁴⁴ Information on the EU Funding programmes in the field of Home affairs 2007-2013 are available at: http://ec.europa.eu/dgs/home-affairs/financing/fundings/index_funding_en.htm.

JCIV programme shares, with **DAP**, **DPIP** and **JPEN**, the highest number (three) of target groups: 'legal practitioners', 'national authorities' and 'citizens of the EU'.

The target groups addressed by each programme are not identical but partially overlap, as their needs are met through different programmes. For example, FRC, JCIV and JPEN programmes founding Decisions address the broad category of 'European citizens' from different perspectives, while the DAP addresses the needs of 'children, young people and women who are, or risk becoming, victims of violence' and the DPIP of 'youth, women, vulnerable groups and people living in socially disadvantaged areas'.

3.2 Complementarity at the level of calls for proposals

The process of developing annual priorities within the JCIV annual work programme is one mechanism for ensuring coherence between the JCIV and other EU programmes and policies. These programmes and, in particular, the annual priorities are developed with the support of various actors, within and beyond the European Commission. In this respect the programme reflects all sorts of policy priorities in the development of annual priorities.

The overlaps in the scope between JCIV and **JPEN** programmes, as indicated above, have often as a consequence led to overlaps in their annual priorities. This is especially true for horizontal priorities such as e-justice and training. This problem was pointed out by the mid-term evaluations of the programmes, which recommended that the focus of the two programmes should be improved. Since the objectives of the ongoing programmes cannot be modified, the solution proposed by the mid-term evaluations was to improve the focus by carefully identifying the annual priorities. However the root cause of the overlaps is due to the definition of the programmes' scope. This is a problem which should be addressed at the structure design stage of the funding programmes.

A clear scope for complementarity (and for overlap) also exists between the JPEN and the JCIV programmes with regard to specific subjects falling under civil or criminal justice according to the Member States concerned. For example, the 2013 JPEN call for proposals addressed the priority of 'actions improving the use and conditions for different forms of protection measures through civil, criminal or administrative law measures (e.g. restraining and barring orders) to protect persons against a criminal act of another person which may endanger that person's life or physical or psychological integrity. Particular focus shall be the recognition and enforcement of these protection measures in other Member States and with the practical application of Directive 2011/99/EU on the European Protection Order and the future Regulation on the mutual recognition of civil law protection measures. Actions may include training of practitioners and competent authorities and improving information on how to treat incoming protection measures, in particular when it is coming from a Member State with a different legal system'. Protection measures are civil or criminal instruments according to the legal system concerned. In fact, at EU level they are regulated by two different instruments, one civil and one criminal. The need for complementarity in this case is very clear.

3.3 Complementarity at project level

As per the previous section, there is significant scope for complementarity between the JCIV programme and other EU funding programmes and little evidence of overlaps. Indeed, the mid-term evaluation⁴⁵ mentioned only limited overlap between the JCIV and other programmes – in terms of the thematic focus, eligible grant applicants and end beneficiaries. In particular the relatively narrowly defined scope of the JCIV programme focusing on a specific thematic area, i.e. promoting access to justice and fostering judicial cooperation in civil matters, for particular types of beneficiaries, i.e. legal practitioners and national authorities, helped minimise overlap and duplication with other EU programmes. However, this is not true regarding **JPEN**, as already mentioned. The two programmes are very similar

⁴⁵ Report from the Commission to the European Parliament and the Council, Report on the interim evaluation of the Civil Justice Programme, 2007-2013, COM(2011) 351 final, available at <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2011821%202011%20INIT>.

in terms of objectives, scope, target groups and management methods. They both aim at establishing a European area of justice based on the principle of mutual recognition of court rulings, enhancing cooperation between judicial authorities and facilitating access to justice. Particularly on horizontal issues such as e-justice and training there is a need for complementarity (also in order to avoid overlaps). For example, the JPEN project entitled 'European Training Platform for lawyers'⁴⁶, created under the e-justice priority, aimed at creating a European Training Platform for both civil and criminal justice practitioners, although funded under the JPEN programme.

Scope for complementary was also found in a small number of projects implemented under JCIV. This included a few cases of potential overlap, with other EU programmes. For example⁴⁷ :

- JCIV AG 'Understanding Justice'⁴⁸ is similar to JPEN in that it aims to adapt the existing corpus of knowledge and practical recommendations for Legal Interpreting and Translation (LIT) in the Criminal Justice domain to the delivery of LIT in the Civil Justice domain, and to create and disseminate knowledge to judicial staff and practitioners, interpreters practicing in the Criminal Justice domain and EU citizens about best practices in interpreting and translation in civil justice proceedings;
- JCIV AG 'Conference on Justice in the EU-from the Citizen's Perspective'⁴⁹ held a conference which contributed to a deepened understanding of the issue of individuals' access to civil and criminal justice in the EU and improved networking among the legal practitioners. The specific objectives of the JPEN programme include improving mutual knowledge of Member States' legal and judicial systems in criminal matters, promoting and strengthening networking and improving information on legal systems in the Member States and access to justice;
- JCIV AG 'Litigious Love: Same-sex couples and mediation in the European Union'⁵⁰ helps to combat the fight against homophobia and targets same sex couples in the EU. These objectives and target group are similar to the FRC programme;
- JCIV AG 'Civil Justice in the Context of Transnational Business Activities and Human Rights'⁵¹, objective was to improve access to civil justice in the EU for victims of human rights abuses related to the activities of European multinational enterprises in developing countries. This has a slight overlap with the DAP programme in that one of its objectives was to protect victims and vulnerable groups at risk and one of its target groups was victims of violence;
- JCIV AG 'Mediation in unlawful international child abduction cases – an amicable solution in the interests of children'⁵² is similar to the FRC and DAP programmes in that it seeks to protect the rights of the child;
- JCIV AG 'Prevention of international child abduction'⁵³ is also similar to DAP in that the target group it reaches include children and victims. DAP target children who are, or are at risk of becoming, victims of violence;
- JCIV OG 'Specific programme Civil Justice 2007-2013'⁵⁴ led to a better circulation of information on child protection law and practice among various operators in different European countries, and a more effective protection system for children affected by authorities' decisions, which is complementary to the objectives of the DAP and FRC programmes.

⁴⁶ JPEN project 2798/2011-2012.

⁴⁷ All examples are taken from the mapping document prepared for the purpose of this study.

⁴⁸ Programme Reference/Application ID: JUST/2013/JCIV/AG / 4000004684.

⁴⁹ Project reference: JLS/CJ/2007-1/25 – 30-CE-02233900062.

⁵⁰ Programme Reference/Application ID: JUST/2013/JCIV/AG / 4000004667.

⁵¹ Programme Reference/Application ID: JUST/2013/JCIV/AG / 4000004669.

⁵² Programme Reference/Application ID: JUST/2013/JCIV/AG / 4000004687.

⁵³ Project reference: JLS/CJ/2007-1.

⁵⁴ Project reference: JLS/2009/JCIV/OG/742.

3.4 Synergies created between projects

The online survey revealed that various synergies had been established with other grants funded by other EU, national/regional programmes, as well as within the JCIV programme itself.

Nine respondents to the online survey mentioned that they had established synergies with other JCIV projects, seven had established synergies with other EU programmes, and six had created synergies with other national/regional programmes with similar objectives.

Examples of the types of synergies established included the:

- lead organisation of the project 'Enhancing the judicial cooperation in the field of parental responsibility (New Brussels II bis Regulation)⁵⁵ noted that synergies included expanding the initially envisaged target group via other projects;
- lead organisation of the project 'The electronic Apostille Pilot Project (e-APP) for Europe'⁵⁶ stated that synergies were established with the Spanish Ministry of Justice with regard to the creation of an e-APP system;
- lead organisation (ECTIL) receiving an OG⁵⁷ said that synergies were established under other EU and national programmes, e.g ECTIL was a subcontractor of the co-Extra consortium (a research project funded by the EU FP6) in the publication of the report "Liability of GMOs"; and it also worked with the Universities of Maastricht, Gerona, Genova, and Shengyan on the foundation of an European Tort Law Research Institute.

⁵⁵ Project reference: JLS/2008/JCIV/AG/1013-30-CE-0306630/00-16.

⁵⁶ Project reference: JUST/2009/JCIV/AG/0037-30-CE-0349902/00-27.

⁵⁷ Project reference: JLS/2008/JCIV/OG/0002-30-CE-02806520044.

4 Effectiveness

To assess the effectiveness of the programme, the evidence of projects' outcomes has been analysed. Note, however, that outcomes are not the immediate results of a project; they usually appear and can only be assessed sometime after the conclusion of a project.

The projects implemented between 2007 and 2013 under the JCIV programme included AGs (130), OGs (16) and public procurement contracts (247)⁵⁸. Out of the 146 AGs and OGs implemented during the programme period, 107⁵⁹ were finalised at the time information was made available for this evaluation. However, only for 94⁶⁰ of them a final report was available. A review of the Final Reports for these projects found 54 AGs and six OGs with some evidence of useful outcomes.

Neither the AG final report template nor the OG final report template has a section specifically requiring the description of outcomes. Moreover, it is worth noting that the final reports reviewed tended not to differentiate between the projects' outputs and outcomes or impact. This might be attributable to the fact that neither the final report template nor the guidelines⁶¹ providing instructions for completing the template provided a clear explanation of the difference between outputs and outcomes or impact. In addition, any information on outcomes or impact is based on the self-reporting of project managers; no interviews with target groups were carried out under this evaluation.

4.1 Achievement of the programme objectives

4.1.1 Specific objective (a) 'to foster judicial cooperation in civil matters'

As already mentioned in [Section 2.1.1](#), this specific objective highly aligns with general objective 1 of promoting judicial cooperation in civil matters, using the same wording except for specifying it and as well as with objective 3 of improving the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice. This objective was mainly achieved through activities such as:

- mutual learning activities, exchange of good practices, cooperation, including all activities which relate to networking, exchange of information, experiences and good practice, between project partners and other participating organisations/persons. Such exchanges can take the form of study visits, workshops, seminars, job placements and peer-learning. Networking activities aimed at partnership building, attracting new network members, building the capacity of existing ones, and organising joint networking activities, are also included. The main outputs linked to these activities are, for example, the continuation, or further organisation, of activities, the creation of new networks, or the expansion of pre-existing ones;
- awareness-raising, information and dissemination, including all activities promoting and raising awareness, such as a project result, research findings and policy recommendations, or more general messages, e.g. the benefits of using electronic tools for the promotion of justice. Activities can also include the organisation of events, exhibitions, information campaigns, conferences, video, and social media. The main outputs derived from these activities are information and dissemination materials, including websites, information pamphlets, videos, and social media applications;
- installation or maintenance of hardware/software, including the use of new equipment and technologies, e.g. as part of the e-justice Action Plan. The outputs of these activities are generally electronic tools, such as an electronic registry or an electronic signature.

In the period under consideration 56 projects were finalised under this objective, with 21 of them showing some evidence of useful outcomes. The box below provides some examples.

⁵⁸ This evaluation only takes into account those projects for which documentation is available.

⁵⁹ 91 AGs and 16 OGs.

⁶⁰ That means that for 12 AGs and 1 OGs no final report was available.

⁶¹ Guidelines were available only from 2010 and they were the same for all five Justice programmes.

Box 4.1 Example of positive outcomes under objective (a)

The 2008 AG entitled '*Enhancing the judicial cooperation in the field of parental responsibility (New Brussels II bis Regulation)*'⁶² aimed at identifying difficulties experienced by legal practitioners in applying the implemented Brussels II Regulation, and at identifying solutions for better enforcement of this legal instrument. Workshops with 20 participants were organised to exchange experiences and best practices. Theoretical training modules by experts in the field of judicial cooperation on the Brussels II bis Regulation were also organised and 50000 copies of an informational leaflet were distributed. The final project report notes that specialists' knowledge and experience was enhanced, allowing more effective and efficient management of transnational cases relating to parental responsibility.

The 2007 AG entitled '*Recent and future developments in the field of civil justice within the EU*'⁶³ tried to promote judicial cooperation in civil matters with the aim of contributing to the creation of a genuine European area of justice in civil matters. Activities included two conferences with 151 participants, two seminars with 100 participants, eight training courses and six study visits. According to the final project report, the knowledge obtained during the seminars/conferences has improved the quality of decisions delivered by the courts or competent authorities. Legal practitioners were able to learn and benefit from the knowledge gained from the judgments and arguments presented by the parties, as well as from the views of other practitioners and the best practice examples.

4.1.2 Specific objective (b) 'to improve mutual knowledge of Member States' legal and judicial systems in civil matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices'

As already mentioned in [Section 2.1.1](#), this specific objective highly aligns with general objective 4 of improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals. This objective was achieved through:

- analytical activities, including all activities carried out with the purpose of studying, researching and/or looking in-depth at certain topics or issues, such as data collection, good practice identification, scientific research, development of educational/training materials, preparation of guidelines and the development of indicators. The outputs linked to these activities are usually manuals, reports, policy recommendations or guidelines;
- (mainly in combination with) awareness-raising events, information and dissemination activities;
- (or in combination with) installation or maintenance of hardware/software.

In the period under consideration, 48 projects carried out under this objective were finalised. 19 of these projects showed some evidence of useful outcomes, as per the box below.

Box 4.2 Examples of positive outcomes under objective (b)

The 2011-2012 AG entitled '*EIRENE*'⁶⁴ aimed at designing and implementing a European communication strategy on mediation as a recommended tool to solve conflicts and disputes in Europe. Three study visits to the Field Court of Chambers, the Centre for Effective Dispute Resolution and the Centre for Peaceful Resolution (UK) were organised, along with nine electronic country reports and a promotional video reaching 1870 people. Dissemination included posts on Facebook and Twitter and events in universities, for legal operators and for companies. Reported outcomes included lower costs for solving conflicts between companies or any other persons, shorter time for resolving conflicts, and speedier judicial processes, with people given the opportunity to solve their problems on their own with their own decisions and agreements and without going to court.

⁶² 'Enhancing the judicial cooperation in the field of parental responsibility (New Brussels II bis Regulation)', JLS/2008/JCIV/AG/1013-30-CE-0306630/00-16.

⁶³ 'Recent and future developments in the field of civil justice within the EU', JLS/CJ/2007-1/06 – 30-CE-02225350048.

⁶⁴ 'EIRENE', JUST/2012/JCIV/AG/3420.

4.1.3 Objective (c) ‘to ensure the sound implementation, the correct and concrete application and the evaluation of community instruments in the area of judicial cooperation in civil and commercial matters’

As already mentioned in [Section 2.1.1](#), this specific objective aligns with general objective 2 of promoting the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States. This objective was achieved through:

- analytical activities;
- training activities, including courses, seminars, and workshops. In contrast to the mutual learning activity described below, these training activities are ‘one-way’, i.e. one or more persons acting as ‘teachers’ or ‘trainers’ of another group of persons who learn something new or update their current skills and knowledge. They can also include e-learning and distance learning. The main results from these activities are either the continuation of the training courses, the organisation of new ones following the same model, and the transformation of trainees into trainers;
- mutual learning activities, including all activities which relate to networking.

In the period under consideration three projects carried out under this objective were finalised. Two projects showed some evidence of useful outcomes, as per the box below.

Box 4.3 Examples of positive outcomes under objective (c)

The 2008 OG led by ELRA (the European Land Registry Association)⁶⁵ aimed to define and launch new objectives and to review ELRA’s activities. The OG supported meetings of the ELRA Board of Directors and its General Assembly, meetings with Land Registry Associations of EU Member States, and meetings with representatives of European Institutions. . All of these meetings led to an increase in membership of the ELRA. Now there are 24 member organisations representing 20 Member States.

4.1.4 Objective (d) ‘to improve information on the legal systems in Member States and access to justice’

As already mentioned in [Section 2.1.1](#), this specific objective highly aligns with general objective 2 of promoting the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States and objective 3 of improving the daily life of individuals and businesses by enabling them to assert their rights throughout the European Union, notably by fostering access to justice. This objective was achieved through:

- analytical activities;
- (in combination with) awareness-raising activities, information and dissemination;
- (or) mutual learning, including all activities which relate to networking;
- (or) installation or maintenance of hardware/software, including the use of new equipment and technologies, e.g. as part of the e-justice Action Plan.

In the period under consideration 42 projects carried out under this objective were finalised. 15 of these projects showed some evidence of useful outcomes, as per the box below.

Box 4.4 Examples of positive outcomes under objective (d)

The 2007 AG entitled ‘Territorial Network For The Mediation of Conflicts’⁶⁶ aimed at improving at the transnational level the contacts, exchange of information and networking between judicial and administrative authorities and legal professions and at establishing conflict mediation offices in some leading cities. A seminar was held to establish good European civil justice mediation procedures, civil/social media help desks were created, translation topic workshops were provided, five mediation models were created and handbooks and pamphlets were produced. As a result of these activities, the Province of Trapani accepted to finance and distribute a document on mediation and the main cities of the Trapani Province were interested in setting up mediation offices in their municipalities.

⁶⁵ ‘Operating Grant: Support ELRA activities 2009’, JLS/2008/JCIV/OG/0003-30-CE-0274822/00-36.

⁶⁶ ‘Territorial Network for the Mediation of Conflicts’, N° JLS/CJ/2007-1/29-30-CE/02233870023.

The 2009 AG project entitled '*Online-Forms and Standardisation conception for e-Justice (EO-FormS)*'⁶⁷ developed a technical concept for building an EU-wide system that can be used for online forms, taking into account already existing standards, solutions and professional methods in the Member States. A prototype was established for the exchange of online forms related to the transfer of seats and cross-border mergers within the EU Member States and the EFTA countries, and several web-services have been implemented in some EU countries based on the prototype.

4.1.5 Objective (e) 'to promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary'

As already mentioned in [Section 2.1.1](#), this specific objective highly align with general objective 4 of improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals. This objective was achieved through:

- training activities, including courses, seminars, and workshops;
- awareness-raising activities, information and dissemination;
- analytical activities, including data collection, good practice identification, scientific research, preparation of guidelines and the development of indicators.;
- mutual learning, including all activities which relate to networking, exchange of information, experiences and good practice, between project partners and other participating organisations/persons.

In the period under consideration six projects carried out under this objective were finalised. Only one of these projects showed some evidence of useful outcomes, as per the box below.

Box 4.5 Examples of positive outcomes under objective (e)

The 2011-2012 AG entitled '*Questions related to cross-border enforcement of claims*'⁶⁸ aimed at giving in-depth training to bailiffs and notaries on questions of cross-border enforcement and at creating professional networks by way of training seminars. As a result, the knowledge and understanding of legal practitioners on EU legal instruments has improved, along with the English language skills of the participants, especially relating to the specific vocabulary of the EU legal instruments discussed during the seminars. The seminars created networking opportunities for the participants and improved cooperation between the coordinators of the partner institutions.

4.1.6 Objective (f) 'to evaluate the general conditions necessary to reinforce mutual confidence, while fully respecting the independence of the judiciary'

In the period under consideration no project were carried out under this objective and therefore no outcomes were identified.

4.1.7 Objective (g) 'to facilitate the operation of the European Judicial Network in civil and commercial matters established by Council Decision 2001/470/EC'

This specific objective highly aligns with general objective 4 of improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals. In the period under consideration one project carried out under this objective was finalised which showed some evidence of useful outcomes (box 4.3 below).

Box 4.6 Examples of positive outcomes under objective (g)

The 2007 AG entitled '*The perspectives of the Europeanization of the law of succession*'⁶⁹ aims at conducting a comprehensive comparative analysis of different national legislation, international conventions and relevant ECJ jurisprudence in order to create a Community legal instrument relating

⁶⁷ 'Online-Forms and Standardisation conception for e-Justice (EO-FormS)', JUST/2009/JCIV/AG/008.

⁶⁸ 'Questions related to cross-border enforcement of claims', JUST/2012/JCIV/AG/3426.

⁶⁹ 'The perspectives of the Europeanization of the law of succession', JLS/CJ/2007-1.

to private international law on successions and wills. A comparative analysis was conducted on the major legal systems, conflict of law rules, judgments of the courts and European and international conventions which may serve as a source of inspiration for a new European succession law. Three law conferences were also held, a draft legal instrument on the law of succession was produced, post-conference scientific papers were published in national languages and English, legal press articles were produced and a scientific seminar was organised. As a result of all of these activities, the project reached out to important persons in central administration, notaries public and representatives of academia (especially in Lithuania).

4.1.8 The operating grants

Operating grants are intended to co-finance the operating expenses that enable a body to be independent and to implement the activities envisaged in its work programme. The activities should contribute to the development and implementation of one or several objectives of the JCIV programme (OGs do not relate to priorities).

All 16 OGs were finalised between 2007 and 2013. The activities carried out mainly related to awareness raising, mutual learning and support to key actors. For example, the 2009 OG provided to Save the Children Italy enabled it to carry out activities aimed at achieving the objective of enhancing and developing different activities of the Legal Unit of the organisation in order to foster judicial cooperation in civil matters and improve information on the legal systems and access to justice in Member States. Activities included the production and dissemination of an online newsletter to 1000 recipients in 13 Member States, the organisation of two meetings for judges and central authorities referred to in the Council, four internal training meetings for Save the Children legal experts and the creation of the EU section of the IAYFJM (International Association of Youth and Family Judges and Magistrates)..

As in the case of AGs, it is challenging to assess the effectiveness of this type of funding tool in achieving the programme objectives, because of the limited information about outcomes and impacts.

4.1.9 The public procurement projects

Under the public procurement component of the JCIV programme, 247 contracts were awarded. The information provided for the evaluation includes the total amount of the contract, the name of the lead contractor and whether the contract was for carrying out studies, events or IT related tasks. From the information gathered, it can be seen that public procurement contracts were used for:

- Developing EU policy and legislation ([Section 4.2.1](#));
- Implementing EU policy and legislation ([Section 4.2.2](#));
- Disseminating EU policy and legislation. Public procurement contracts are used to fund the **European Day of Civil Justice** which is celebrated yearly on 25 October. These central events, co-organised by the Council of Europe and the European Commission, aim to bring justice closer to citizens, to inform them on their rights through simulation of procedures and information sessions open to students, professionals of justice and general public and also through open doors to their courts. **Awareness-raising activities** (e.g. in 2012 'awareness raising campaign on consumer rights') and **dissemination activities** (e.g. creation and translation of different guides, e.g. in 2010 'guide pour les citoyens', in 2011 'European order for payment guide' and in 2012 'Ordre européen de payement') are also funded through public procurement contracts. The **European Judicial Atlas in civil matters**, explained in detailed above, must also be mentioned, as well as all contracts funded for the maintenance of the **e-Justice Portal**;
- Ensuring project results sustainability ([Section 5](#)).

Most of the contracts appear to have been finalised, and in a few cases there is evidence of outcomes, e.g., where web-links are provided to final reports or websites. However, the general lack of information on what happened with the funding provided for these contracts makes it difficult to assess the overall effectiveness of this funding tool in achieving the programme objective.

4.2 Contribution to the implementation and development of EU policies and legislation

The majority of projects financed under the JCIV programme contributed to improved implementation of EU policies and legislation. This was confirmed by the Commission officials interviewed for this evaluation and by responses to the online survey, as explained below.

This was achieved through the introduction of specific priorities in calls for proposals and the use of public procurement contracts.

4.2.1 Contribution to the development of EU policies and legislation

With regard to whether the JCIV programme contributed to the development of legislation and policy, the close link to national policy makers, which sometimes resulted in new laws and policies can be seen as a success story for the JCIV programme. As already mentioned under [Section 2.1.4](#), **JCIV grants** contributed to policy and legislative developments. Through research, analysis and other support activities, they provided to the legislator clear and detailed information on the problems and the situation on the ground. They also strengthened networks to assist with the preparation of future initiatives in this area.

The box below gives examples of projects' outputs that generated interest and made contributions to the development of policy and legislation.

Box 4.7 Examples of projects contributing to development of policy & legislation

The 2010 AG⁷⁰, led by the Italian European Consumer Centre (ECC) and ECCs from 27 EU Member States, was mentioned in a Commission press release to demonstrate the lack of awareness, and enforcement of judgments regarding the European small claims procedure which the Commission proposed to amend and adopt a proposal on 19 November 2013.

The results of the IRTE project⁷¹ also contributed to the development of legislation and policy at EU level, by developing a large network of interconnected registers of wills, in line with the Succession Regulation⁷² which, at that time, was under negotiation and finally adopted in 2012.

However, the relatively long duration of the project cycle (about two years) may at times have led to problems, if policy priorities had changed by the time of project finalisation. In such instances, the effectiveness of a project in terms of contributing to EU policy and legislation development could have been affected or even nullified. For example, the electronic *apostille* project (e-APP)⁷³ led by the Hague Conference on Private International Law (HCCH) was very successful, but some years afterwards, i.e. on 24 April 2013, the Commission presented a proposal for a Regulation⁷⁴ to abolish the *apostille* system.

Public procurement contracts were also largely used to that end. First of all, through public procurement, JCIV funding was used for the maintenance of the **European Judicial Atlas in civil matters**, which is an online database available in all EU languages. The Atlas not only provides user-friendly access to information relevant for judicial cooperation in civil matters, but also enables professionals and the general public to easily identify the competent courts or authorities under, *inter alia*, the Legal Aid Directive, the Small Claims Regulation or the Mediation Directive. Furthermore, on-line forms provided by, *inter alia*, the European Payment Order Regulation or the Maintenance Regulation, can be filled in. All forms can be automatically translated into another language and transmitted electronically. Another example is that of the maintenance of the **JURE database**, which contained information on the case law of the European Court of Justice and Member States' courts. These two tools were funded under programmes precedent to the programme under

⁷⁰ JUST/2010/JCIV/AG/0033-30-CE-0422674/00-18.

⁷¹ Project 'Interconnecting European Registers of Wills' n. 2009/20.

⁷² Regulation (EU) No 650/2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

⁷³ JUST/2009/JCIV/AG/0037.

evaluation and their regular maintenance was done through public procurement contracts under the JCIV programme. A **compendium of European Union Legislation on Judicial Cooperation in Civil and Commercial Matters** was also created before 2007 and it was regularly update through public procurement contracts under the JCIV programme. Furthermore, different **evaluation studies** (contracts awarded in 2013 for the 'Evaluation Study on the application of the Timeshare Directive 2008/122/EC', in 2011 for the 'Evaluation study on the Insolvency Regulation') as well as **implementation studies** (contracts awarded in 2010 'Study on Rome I' and in 2011 for the 'Evaluation and implementation of Mediation Directive') have been funded under JCIV.

Ten out of 54 respondents to the online survey reported that policy makers had responded to the project by shaping new policy developments, or adjusting existing ones using, as a basis, the project's outputs and results. The figure also shows other ways in which policy makers responded to activities carried out through the JCIV programme, including by setting up or supporting other projects using the methodology developed by the initial project.

4.2.2 Contribution to the implementation of EU policies and legislation

The JCIV programme contributed to the implementation of legislation and policy through **grants** that supported the practical application and implementation of existing EU policy and legislation, promoted networks to help with the consistent implementation of EU instruments across Europe, and carried out training and capacity building for legal professionals and other practitioners, to equip them with the tools to effectively put EU rights and policies into practice. Examples are provided in the box below..

Box 4.8 Examples of JCIV funded projects which have had an impact on policy and legislative implementation

The 2007 AG entitled '*Recent and future developments in the field of civil justice within the EU*'⁷⁵ conducted by the Latvian Ministry of Justice in the framework of its policy agenda, involved policy makers, including the national Parliament, in project activities throughout the project aimed at implementation of the Maintenance Regulation. A special commission started working in parallel on drafting a Latvian law on maintenance⁷⁶. The project resulted in the adoption of the Latvian law on maintenance and to implementation of the corresponding EU regulation.

Grants 2009/25 and 2009/7 led to the creation – available now in the E-Justice Portal⁷⁷ -- of a database accessible via a user-friendly search engine, to find civil law lawyers and notaries across the EU, e.g., for applying the Succession Regulation.

The AG "i-Support" explored ICT systems in order to implement the EU 2009 Maintenance Regulation and the 2007 Hague Maintenance Convention, whose accession was under discussion at the time the project was awarded⁷⁸.

Public procurement contracts played also an important role in contributing to the implementation of legislation and policy, through **stakeholder consultations** (e.g. contracts awarded in 2013 on high level meeting on package travel with Commissioner Reding, in 2012 expert group 'résolution des litiges entre entreprise' and 2011 'expert group on European Insurance Contract Law'), **impact assessments** (contracts awarded in 2010 'IA possible legal instrument in the area of the ECL', 2011 'IA legislative proposal consumer *acquis*' and 'IA free movement of public documents in the EU') and **feasibility studies** (2010 contract 'Etude de faisabilité sur une application en ligne de la procédure sur les petits litiges').

Responses to the online survey confirmed that the projects and their activities contributed to the implementation of EU policies and legislation. In fact, 36% of 52 respondents reported that the activities implemented significantly contributed to the implementation of EU law, whilst 38% reported that the contribution was major. Only 15% responded that the contribution was minor or none at all.

⁷⁵ JLS/CJ/2007-1/06-30-CE-02225350048.

⁷⁶ This information was provided by the person responsible for the project at the Latvian Ministry during an interview.

⁷⁷ E-Justice Portal, available at http://ec.europa.eu/justice/newsroom/news/20141108_en.htm.

⁷⁸ Project n. 2013/4627.

The projects and their activities also contributed to the implementation of EU policies and legislation indirectly, ranging from the creation of practical tools addressing cross-border or Union-wide challenges and contributing to the elaboration and dissemination of best practices. Out of 50 respondents, 40% reported that the project/activities implemented significantly contributed to raising awareness of the public about rights deriving from EU law; 32% reported that the contribution of their project/activities to this objective was major, 24% stated that the contribution was minor.

4.2.3 Importance of a proper monitoring system to ensure the programme's effectiveness

A concern voiced by Commission officials was with respect to the lack of a proper monitoring mechanism of projects and their activities. It was pointed out that this could improve the effectiveness of the whole programme as it would also help the policy officers to focus on more specific priorities. A monitoring mechanism might include at least one mandatory meeting for each project, with the Commission's financial and policy officers, where the beneficiaries would present their interim results. Such mechanisms would encourage beneficiaries to provide good results and discourage 'less motivated' organisations from asking for grants.

Such mechanisms could also include onsite visits by Commission officials and could include online monitoring mechanisms – where each project manager would update the Commission on the progress of the projects and would be able to communicate with other project managers working in the same fields in order to exchange information and good practices. Such on-the-spot checks were carried out in the first stages of JCIV, between 2007 and 2010. However from 2011, due to the lack of human resources, this regular monitoring mechanism was stopped.

The interviewees also suggested that it would be better to audit and monitor projects by looking at several projects implemented by the same organisations but at different stages of their life-cycle. This would be helpful to assess the impacts of the programme in practice. It was, in fact, underlined that some organisations, which were good at writing applications for funding, were more likely to be selected and, therefore, awarded a grant. However, this does not mean that they would be good at achieving the results that could be considered relevant.

4.3 Effectiveness of the projects in achieving their own objectives

The relevance of the funded actions in relation to the objectives of the programme were described in [Section 2.1.3](#). This assessment of the effectiveness of projects is based on evidence gathered through self-reporting from project partners responding to the on-line survey and participating in the follow-up interviews. It also analyses information taken from final reports on the extent to which projects implemented activities as planned.

The majority of the projects were able to achieve the planned results on time or to reach the expected target group. No obstacles seriously influencing the implementation of the project's results or objectives were identified apart from those linked to the economic crisis. With regard to unexpected effects of the projects, the evidence gathered showed that the majority of the projects had reached unexpected positive results and almost no unexpected negative effects.

Over half of all finalised AGs and OGs (69 out of the 94 grants for which final reports were available⁷⁹) implemented all the activities as planned. In some cases, achievement of this entailed changes in the staff or required searching for additional funding. Out of 37 respondents to the online survey, 16 had to replace a member of staff in the course of the project/activities, while 10 respondents replaced more than one member of staff in the course of the project/activities and 7 respondents had to search for additional funding to implement the activities planned. Nonetheless, these fluctuations had a minor impact on the development of the funded actions. In fact, 85% of the 33 respondents to the online survey indicated that these changes had no impact on the outcomes of the project/activities. For

⁷⁹ See above footnotes 44 and 45.



example in the 2013 AG project 'Business & Human Rights challenges for cross border litigation in the European Union' although more than one member of staff had to be replaced, all of the project's objectives were achieved.

Out of a total of 61 respondents, the majority stated that they were able to achieve all (56%), or most (26%), of the planned results on time and out of 52 respondents, 94% were able to reach the expected target groups. Moreover, out of 52 respondents, 58% reported that their project made a significant difference to the thematic area they were working in.

For example, one interviewee stated that his/her project had made a difference in the field of judicial cooperation as no other project had examined the topic of judicial cooperation from a judicial-registral point of view. The interviewee indicated that the project offered an overview of the registry system of the different EU Member States and a catalogue of best practices. Similarly, another project developed training of lawyers on mediation techniques. The project manager, during a follow-up interview, affirmed that his/her project made a difference in that it created a new ADR section in the Czech Bar which advanced the mediation sector in the Czech Republic.

According to the evidence gathered through the online survey and follow-up interviews, it seems that the main internal factors positively influencing the implementation of the project were good relations among partners and good cooperation with the Commission. No obstacles seriously influencing the implementation of the project results or objectives were identified. However, some changes were introduced to the initial design of some projects to better achieve the planned results or to adapt to changing circumstances.

In relation to changes during the project/activities, out of 33 respondents, 55% reported that this change(s) had no impact on the implementation of the project/activities, and 42% reported that the above-mentioned change(s) had a minor impact. Only 3% reported that the change(s) had a major impact.

Regarding the effect of these changes on outcomes, out of 33 respondents, 85% reported that the change(s) had no impact on the outcomes of the project/activities; 12% believed that there had been a minor impact and only 3% stated that the change(s) had a major impact on the outcomes of the project/activities.

During follow-up interviews, project partners also cited as positive factors that contributed to effective implementation of projects and activities, the development of good relationships between partners and the cooperation with the Commission.

No obstacles seriously influencing the implementation of the projects' results or objectives were identified, either in the course of the mapping of the projects, the on-line survey or the follow-up interviews, except for the case of the 2007 projects led by the Latvian Ministry of Justice which implementation had to be suspended for a period of time because of the economic crisis faced by the country at that time and the sudden impossibility to co-finance from the Ministry's side.

With regard to unexpected effects of the projects, respondents to the survey were asked to report on the extent to which their projects had reached specific unexpected positive results. Their replies were positive. Out of 49 respondents, 42% indicated that they were able to implement additional activities to those initially expected. Also, out of 50 respondents, 42% reported that they had received attention from policy makers, which had been additional to their expectations. Out of 48 respondents, 64% reported that they had been able to disseminate additional outputs. Finally, 35% of respondents indicated that they had reached target group(s) additional to those initially planned.

As far as unexpected negative effects of the projects are concerned, the evaluation findings indicate that these were null. In fact, out of 52 respondents to the online survey, 94% indicated that there had not been any unexpected negative effects. Only three respondents (6%) reported unexpected negative effects from the implementation of the project.

However, when looking at the explanations provided, these can be considered more as obstacles to the project implementation. For example, the 'Spanish college of the real estate



and mercantile properties and goods registries', that implemented a project to obtain land registration of a foreign property in order to certify an owner's solvency, or for the purposes of legal proceedings, reported that they encountered some resistance by notaries in Spain who considered the certification of notaries registered in other Member States as a threat to the monopoly they exercised in their country. Another obstacle was reported by the Association for International Arbitration: due to the late (a few months after the grant period) publication of a European Mediation Training for Practitioners of Justice (EMPTJ), the European Commission had refused to participate in the costs.

5 Sustainability, transferability and innovation

The sustainability of the projects funded through the JCIV programme is assessed according to whether the results, outcomes and impacts achieved will continue beyond the project period. Three levels of sustainability were identified in the evaluation: short-term sustainability, which is achieved mainly through dissemination of projects' results; medium-term sustainability, which includes continuation of project results and/or partnerships; and longer term sustainability, which is achieved mainly through the successful transfer of projects' results to other contexts, organisations and Member States without additional funding (or with limited funding only).

5.1 Short-term sustainability: dissemination of project results

Overall, the Commission's efforts to disseminate (and monitor) the results of projects have been limited. Dissemination to a wider public is identified as key element for ensuring better impact for the programme. Also the interim results of the mid-term evaluation confirm that despite continued efforts in the last years, visibility and dissemination of the programme's results deserve further improvement to ensure sustainability and the long-term exploitation of funded projects. Commission officials interviewed as part of this evaluation expressed their concern with regard to the lack of a specific channel for disseminating the results of the JCIV programme, in particular because:

- A proper/structured communication system between grant beneficiaries and policy/legislation makers did not exist, which inhibited to extent to which project results could be used to inform policy and legislation;
- Managers of other projects (JCIV grant beneficiaries) were unaware of what other projects did, whilst they could have benefitted from their results. This lack of awareness of other projects could also lead to overlapping activities being implemented;
- Interviews with Commission officials showed that there was an overall lack of information concerning projects outputs, which could have supported the development of policies and legislation, as well as the day-to-day work of the Commission.

This severely limited the effectiveness of the dissemination of results achieved under the JCIV programme. An improved dissemination mechanism would not only help to better communicate results to policy and decision makers, but would also benefit project monitoring and knowledge sharing. Regarding grant beneficiaries' dissemination, the evaluation findings showed that most of AGs and OGs had established clear plans for disseminating the results of their project/activities. In most cases, such plans foresaw the dissemination of results in more than one language and in more than one country.

5.1.1 Effectiveness of the Commission's dissemination

The mid-term evaluation report of June 2011 already pointed out the necessity a need to increase the visibility of the projects, their results and the programme in general. This need for more dissemination by the Commission was confirmed by the evidence gathered for this evaluation.

In general, the Commission's efforts to disseminate the results of projects were limited. There was no dedicated channel for disseminating the results of the JCIV programme. Final reports and outputs were not published by DG Justice, e.g. on the JCIV website, and the Commission did not take any specific actions to disseminate them. Some outputs were nonetheless published in the e-Justice Portal, e.g. the already mentioned search engines for lawyers and notaries in Europe.

The Commission also has capacity to translate (and therefore disseminate) the outputs of certain projects into all Member State official languages. For example, at the request of the European Judicial Network in civil and commercial matters, the Practical Handbook for Competent Authorities on Maintenance Obligations, produced first in EN, FR and RO, is now being translated by the Commission, at the request of stakeholders, e.g. the European Judicial Network in civil and commercial matters, in all other EU official languages by the

Commission in addition to EN, FR and RO as it resulted from the project implementation. However, given the cost of translation, it would only be possible to support the translation of key project deliverables which would have a clear added value if disseminated more widely in different languages.

Public procurement funds available for Commission initiatives were partially used for awareness raising activities, e.g. expert meetings and conferences (36,2% of available funds, equivalent to approximately 11.1 million euro, supported expert meetings and conferences). However, information on these activities and whether and how they were used to disseminate project results was not provided for this evaluation. Therefore, it is not possible here to assess the effectiveness of public procurement for disseminating project results.

Commission officials interviewed reported that money was allocated to create a toolkit for the JCIV, similar to the one created under the DAP programme. The Daphne Toolkit is a dissemination tool which serves as an archive of DAP projects and as an active resource for those planning new projects in the field. However, no such toolkit was ever implemented for the JCIV, and no reason was provided for that outcome.

The Commission could improve its practice by enhancing the use of the e-Justice Portal for publishing outputs of different projects and/or posting links to other websites where project information and/or outputs are available. The first option would entail greater investment by the Commission, although it would greatly benefit project monitoring too, as it would allow for the identification and review of project results. The second option (linking to external websites hosting information about the projects and their outputs), would involve less investment from the Commission, but it would not be as reliable, since, as already mentioned, maintenance of project websites is very difficult once project funding ends.

Indeed, the implementation of a better communication system – as suggested by Commission officials during the interviews, would improve the reception in EU policy and legislation-making processes, of the outputs of the projects and, therefore, of the outcomes of the entire programme.

5.1.2 Effectiveness of the grant beneficiary's dissemination

Grant beneficiaries were overall quite effective at disseminating the results of their projects.

Note that grant beneficiaries and target groups are often the same or are in connection; hence dissemination channels are already existing (or easy to set up) and the target groups are open to the information. The most common way of disseminating the results of the project has been through networking, meetings, websites and through printed and audio-visual materials, which overall contributed to increasing the impact of the projects, reaching different types of stakeholders.

Dissemination is also required by the programme and encouraged by the Commission. In order to improve dissemination and knowledge sharing and to better build on achieved results of previous projects, from 2012-2013, the Commission organised an annual kick-off event before implementation of the projects. This helped to connect the grant beneficiaries, inform them about relevant previous projects, and advise them on priorities.

Finally, the transnational nature of the programme has also facilitated dissemination and transferability of results. Data from the online survey and follow-up interviews indicated that most outputs produced were transferrable to other EU Member States, if translated into the local language and tailored to local circumstances (see Section 5.2).

The project mapping exercise tallied 118 of the total of 411 outputs -- the largest share of project outputs – as linked to dissemination. Outputs included books, films and other published materials, as well as events such as conferences, seminars, press conferences, and support and advice services, e.g. information and advice websites.

The vast majority (92%) of the online survey respondents reported to have had a clear plan for dissemination of the results of their project/activities, including whether the results would be disseminated in more than one language and in more than one country. Note that from

the beginning of the programme, grant applicants were required to indicate their dissemination activities at the moment of the application.

The descriptions of the dissemination plans in the AG applications were rather consistent in including dissemination of the projects outputs via websites and other electronic means or via seminars. Project partners disseminated the results of the projects and increased their visibility by a range of means, including: seminars, conferences and other events, information leaflets, websites and electronic tools (e.g. videos and mobile applications), publication of reports and theme publications reflecting the conclusions reached in the activities and policy recommendations.

Box 5.1 Example of project implemented under JCIV with effective dissemination of outputs

The project “Consumer Justice Enforcement Forum (CoJEF)”⁸⁰ led by the European Consumers Association (BEUC) had the objective to create a strong network between European consumer associations to facilitate and encourage their cooperation and co-ordination in cross-border issues. Another objective was to help consumer organisations in the Eastern and Central European Member States to develop strategies for enforcement activities and to empower them to improve enforcement in their country.

The project dissemination plan included the creation of a website available in English that would serve as a platform to exchange practical experience, practices and comments/ideas and to access information. All relevant documents from the training seminar would be accessible and downloadable at no charge. The dissemination plan also included the circulation of information via electronic newsletters written in English and would also contain the conclusions of each meeting. At the end of the project a compilation of all meetings results, called “enforcement guidelines” would be put together, published on the website and disseminated, not only in electronic, but also in paper form. The target group would be reached through the efforts of the partners that would identify relevant organisations and bodies involved in enforcement in their Member State and provide them with project’s work and conclusions.

In the absence of continued monitoring of outcomes of their dissemination efforts by project partners, it is difficult to assess the long-term impact of dissemination of project results in the long term, although the grants beneficiaries themselves considered the dissemination of project results as overall effective. The Commission could focus more on the appropriateness of an applicant’s dissemination strategy and perhaps strengthen it during the selection of the applications for grant awards.

5.2 Medium-term sustainability

Continuation of implemented project activities/outputs

According to the evidence gathered through this evaluation, at least some actions implemented under the JCIV continued once EU funding ended. The analysis of the project final reports showed that, out of 94 (AGs and OGs) for which final reports were available, 45 provided some evidence of continuation of project results, e.g.:

- ‘the working group set up under the project will continue’⁸¹
- ‘further trainings on mediation have already been organised for the following years’⁸²
- ‘the Council of the Notariats of the EU has obliged itself to update the fiches every six months’⁸³
- ‘interconnection of the search engine with national databases is permanent’⁸⁴

⁸⁰ ‘Consumer Justice Enforcement Forum’, JUST/2010/JCIV/AG/0017-30-CE-0422156/00-45.

⁸¹ The judgments of the Court of Justice and the role of national courts in safeguarding legal positions protected by Community law (2008 AG).

⁸² European Experience in Mediation (2010 AG).

⁸³ *Fiches sur le droit des successions - Réseau Notarial Européen* (2007 AG).

⁸⁴ European Directory of Notaries (EDN) – European Notarial Atlas, Phase II (2009 AG).

The reports for the remaining 49 funded actions did not provide information on this issue. The availability of information, therefore, affects the possibility of measuring the sustainability of JCIV projects.

Grant beneficiaries themselves also considered that the projects had achieved sustainable results for a good portion of the projects. Out of 52 respondents, 30 (58%) reported that their projects made a significant difference to the thematic area they are working in, 18 respondents (35%) did not know, and 4 (8%) believed that their project did not make a significant difference.

Continuation of partnerships after project completion

The final reports of JCIV-funded actions suggested that the continuation rate of partnerships was remarkably low. Only 10 projects, out of the 146 projects mapped on the basis of the information available in the project documentation, reported continuing with their established partnerships, i.e. fully in 6 cases and partially in 4 cases. The low continuation rate could be due to the fact that, as indicated in the mid-term evaluation report, the calls were very technical (focusing on highly technical legal subjects) and could have affected the partnership possibilities at the end of the projects.

However, the on-line survey showed different results concerning the continuation of partnerships after project completion. Out of the 52 respondents, 69% indicated that the partnership continued and only 6% indicated that the partnership did not continue. This contradiction in the data could be due to the fact that the mapping was carried out on the basis of the final reports, which might have provided incomplete information on this topic, whilst the surveys directly gathered the views of the project managers. Therefore, the data resulting from the survey is likely to be more representative of the actual situation with respect to the continuation of partnerships initiated during a JCIV-funded project.

Continuity of use/Financial sustainability of project outputs

Since 2008, the development of electronic tools was set as a priority for JCIV-funded projects as a consequence of the 2008 Communication and e-Justice Action Plan. This might explain why survey respondents indicated that they had continued or would continue to maintain hardware and/or software. For example, the 2010 AG entitled '*Judges in ADR: Improving On-line Resources and Trainings for Judicial Referral to Mediation in the EU*' created a portal aimed at allowing the participants to the training organised by the project to download the training documents (e.g. training agendas, powerpoint presentations, exercises/simulations). The website has been maintained and used to upload additional documents. It is still a single place where legal professionals and other administrators of justice can find and access links to laws, court systems, legal authorities, and databases relating to ADR.

In fact, when carrying out follow-up interviews, 7 out of 15 interviewees indicated that the electronic devices and online portals, resulting from the projects, were long-lasting outputs, although 2 out of 7 respondents also pointed out the difficulties in maintaining and updating them. Commission officials, however, confirmed that updates (and maintenance) of the outputs (e.g. a website, study) are a major concern and this may impact on project selection. The question is whether to continue funding interesting projects with good quality outputs which may not be sustainable in the long term, if the information is not regularly updated

The evidence gathered through the consultation with grant beneficiaries for this evaluation also suggests that projects heavily relied on EU funds to guarantee outputs. EU funding also contributed significantly to the ability of organisations to continue activities that were previously implemented.

In fact, more than half of the participants in the survey, i.e. 27 out of 52 survey participants, indicated that further funding was needed to guarantee financial sustainability of the project/activities

In some cases, the grant beneficiaries reported in the follow-up interviews that specific elements of their projects required further funding to ensure sustainable results – mostly to

further disseminate project outputs and to transfer parts of the project. These specific elements are:

- maintenance of websites or electronic tools, i.e. electronic registry or ‘clearing houses’ such as an online mediation portal;
- follow-up activities to ensure continuance of project results and extending these results to a wider group of beneficiaries, e.g. conference, events, and responding to demands and questions regarding the project results;
- production of follow-up materials such as a manuals;
- transferability of results achieved within one Member State to other Member States, e.g. comparative analysis and exchange of best practices;
- training activities – in particular, adapting existing developed activities to other contexts.

Out of the 52 survey respondents, only 13 stated that further funding had already been secured from other EU funds. However, no further information on the type of additional funding was provided. In some cases, the organisation would fund follow-up activities itself, i.e. the Max Planck Institute, Luxembourg.

5.3 Long-term sustainability: transferability of project results

The analysis carried out on the project documentation and the consultation with project partners showed that some outputs could be used without changes in more than one country, while others could be transferred with some minor changes. These minor changes mostly relate to the need to translation, or to adaptation of outputs or project results or activities to the local context. For example the 2008 AG ‘Measuring Justice Costs and Quality – eMCOD’ project created a software that was kept also after the completion of the project as an open source. Interested third parties could therefore use, copy, distribute and transmit the project products according to their purpose.

Regarding the implementation of these outputs, half of the respondents to the question (50%) indicated that their project results/activities had already been used in other countries. Similarly, 17 project partners (37%) reported that the results of projects/activities had already informed policy activities in other countries, while 21 (46%) were not aware if these had occurred in countries other than their own. However, in 71% of the cases, the results of the projects/activities were fit to inform policy activities in another countries.

5.4 Innovation

Innovation is the development and implementation of new ideas (products, services and models) to meet needs and to create new relationships or collaborations. Innovation is about designing new responses to pressing (social) demands.

This section assesses the extent to which the projects demonstrated innovation in the:

- project objectives;
- group/end beneficiary targeted;
- problem the project initially sought to address;
- method/activities utilised in order to:
 - support/target these groups;
 - achieve the objectives; and
- partnership created to address these objectives.

The evidence gathered showed that most projects demonstrated innovation in terms of the activities or practices that were implemented and innovation of the methods used. The data gathered also confirmed that the project could be considered as leading the way forward in the same policy area. In project documentation, grant applicants were required to provide information on the innovative aspects of their project.

The analysis of the project documentation showed that only 6 out of 146 grant applicants were not able to provide strong evidence of innovation. The remaining 140 projects showed

to some extent evidence of innovation. This is confirmed by the replies to the on-line survey. In fact 90% of the 52 online survey respondents considered their projects/activities to be innovative.

The evidence collected through the analysis of the project documentation, on-line survey and follow-up interviews show that overall the methods used in implementing new activities or reaching new target groups are considered as significantly innovative – serving as models for the development of future projects in the same, or different fields.

Innovative practices and activities included training, ground-breaking research in an area never studied before, the creation of an online platform, and practices actively involving target groups, e.g. community discussions, the use of role models, and mapping of the community resources.

In terms of innovative methods, the research highlighted the use of tailor-made training methods, methods on how to involve target groups, e.g. businesses, judicial staff and mediators, inter-institutional cooperation models, and peer education methodology. For example, the 'Go to Mediation!' project targeted businesses to facilitate their knowledge and access to mediation and, at the same time, created a model of permanent mediation courts and an 'on-call' mediation list. The project also resulted in an online portal to which businesses could look for mediators, or submit their case and obtain possible solutions via the online 'clearing house' resource.

The majority of the respondents to the on-line survey (62% out of 52) also affirmed that the project could be considered as leading the way forward in the same policy area.

A number of interviewees reported that stakeholders at local and European levels, e.g. professionals, institutions and social groups, were interested in the outputs of their projects – in particular, regarding the innovative aspects of implemented actions, such as the:

- development of innovative tools and solutions to support the work of organisations dealing with target groups, such as the 'clearing houses'⁸⁵ of the 'Go to Mediation!' project;
- elaboration of instruments and methodologies which could be used directly by target groups to enhance their awareness and level of protection. For example, Lappeenranta University of Technology is creating an online 'Caseflow Management' platform offering practitioners information and best practices to avoid delays and inefficiencies in court management that could potentially undermine the functioning of the courts;
- addressing a field that has not been addressed before, e.g. the University of Pècs with its project 'Improving the Effectiveness of Cross-border Enforcement in the EU', or the project of the Romanian Ministry of Justice to enhance the judicial cooperation in the field of parental responsibility.

The elements of projects which were transferred included:

- methodological tools created for the projects, e.g. methodological assessments, and the activity models, e.g. to carry out campaigns, events, and activities with other target groups;
- websites – if content is translated, to be used in other countries;
- toolkits and project tools, e.g. reports, guidelines and manuals; and
- training courses and materials.

The information collected through the project documentation and the consultation with project partners show that the majority of models used in the projects had served as a basis to develop similar initiatives in other countries, e.g. 'The electronic Apostille Pilot Project (e-APP) for Europe' which resulted in an electronic apostille and registry system in Spain and has served as a model for developing systems in Ireland, the United Kingdom and Slovenia.

⁸⁵ Financial institutions that provide clearing and settlement services for financial and commodities derivatives and securities transactions.



Similarly, the Eurochambres' project 'Go to Mediation!' developed a mediation model including a permanent mediation court and an 'on-call' mediation list that could be used, not only in the field of commercial law, but also in social mediation and other fields.

In some cases, problems in the transferability of results were identified - these are linked to the specific focuses of some of the actions implemented. For example, the project 'European Experience in Mediation and its Implementation in the Czech legal environment' aimed at training Czech lawyers and judicial staff in mediation. In the project 'The application of Rome I and II Regulations and EC 4/2009 by legal practitioners in Southern Europe – EUROME', the implementation of the referred Regulations focused on the law of the sea, and thus would not be implementable in countries with no relevance to this field. However, in both cases, the models developed could be used for other purposes.



6 Efficiency and scope for simplification

6.1 Appropriateness, proportionality and sufficiency of the available financial resources

The efficiency and scope for simplification of JCIV refers to i) the extent to which the programme has been implemented in a cost-effective way and ii) the extent to which the implementation process or reporting requirements are clear and workable.

This section considers first the extent to which the funds made available through the JCIV programme were sufficient to achieve the programme objectives. It then evaluates the level of programme absorption, i.e., the amounts paid compared to those committed. This approach assumes that a lower absorption rate indicates sufficiency of resources allocated.

An assessment of whether the resources spent were reasonable (i.e. proportionate) to the anticipated and achieved impacts has to first consider the kinds of impacts expected at programme and project levels and whether this was reasonable considering the amount made available to the programme and the projects. It can then consider whether these impacts were achieved (as discussed in [Section 4](#)) in a cost-effective way.

The general objectives of the JCIV Programme related to (1) promoting judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence; (2) promoting the elimination of obstacles to the good functioning of cross-border civil proceedings in the Member States; (3) improving the daily life of individuals and businesses by enabling them to assert their rights throughout the EU, notably by fostering access to justice; and (4) improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including by way of support of judicial training, with the aim of better mutual understanding among such authorities and professionals. The four objectives are interlinked, focussing on contributing to the creation of a genuine European area of justice in civil and commercial matters and broadly an area of freedom, security and justice. They appear concrete, realistic and not overly ambitious. Therefore, it is reasonable to expect that € 109.3 million over a seven year period is sufficient to make an impact.

The allocation of resources among funding tools can also be examined, including whether such allocation was efficient. Finally, an evaluation of whether the amounts available per project were sufficient for the implementation of their objectives, and to allow them to make a difference in their respective policy area(s) can consider the extent to which projects incurred an over- or underspend, as well as the extent to which they generated the desired results, outcomes and impacts with the amount made available.

6.1.1 Extent to which financial resources made available were sufficient

The JCIV Programme had an initial budgetary provision of € 109.3 million over the period 2007-2013, which was broken down into an annual provision of between € 14.4 and €17.1 million. Funding was allocated via AGs, OGs and public procurement contracts.

The planned budgetary breakdown for the period 2007-2013 is provided below in Table 6.1.

Table 6.1 Planned budgetary breakdown for the JCIV (2007-2013)

2007	2008	2009	2010	2011	2012	2013	TOTAL
€14,4	€14,7	€15,3	€15,8	€16,0	€16,5	€17,1	€109,3

JCIV – Founding decision. Relevant budget heading 18.06.07

Table 6.2 below shows a detailed breakdown of the allocated budget (2007-2013) per implementation year and funding tools, as based on Annual Work Programmes. As the table illustrates, the programme includes also specific projects in the field of competition (€800 000 a year), which is managed by the Directorate-General for Competition, the management

of the membership of the community in The Hague Conference on private international law and operating expenditures of the European judicial network. The latter covers about six general meetings per year to discuss problems in the application of the existent civil justice instruments, publications of practical guides for practitioners or citizens (this includes translation, printing and shipping costs) and the update of the website. Working groups are generally created to that end. All actions are decided the preceding year during the allocation of the budget.

Table 6.2 Planned budgetary breakdown for the JCIV (2007-2013)

Available Budget for Grants and Contracts							
Year	GRANTS				PUBLIC PROCUREMENT		
	AGs ⁸⁶	AGs comp ⁸⁷	OGs NGOs ⁸⁸	OGs other ⁸⁹	HCCH ⁹⁰	EJN ⁹¹	COM initiatives ⁹²
2007	4,300,000	0	1,500,000	500,000	0	3,250,000	4,550,000
2008	4,500,000	0	1,500,000	500,000	0	3,150,000	4,650,000
2009	4,800,000	0	1,500,000	500,000	20,000	2,700,000	4,650,000
2010	5,050,000	0	1,500,000	500,000	20,000	3,050,000	5,380,000
2011	3,980,000	800,000	500,000	500,000	20,000	2,205,000	7,695,000
2012	4,350,000	800,000	500,000	500,000	34,000	2,700,000	7,216,000
2013	8,776,000	800,000	500,000	500,000	30,000	800,000	5,150,000

JCIV - Annual Work Programmes (2007-2013)

Most of the financial support within the JCIV Programme's budget was planned for public procurement contracts and AGs. The remainder of the budget was allocated to OGs. High rates were allocated to public procurement contracts which were used extensively under the JCIV programme to help in developing and implementing EU policy and legislation, dissemination of EU policy and legislation and in ensuring sustainability of project results ([Section 4.1.9](#)). To that end, a large amount of money was spent on IT tools and maintenance, particularly for the e-Justice portal, in addition to other tools, such as the European Judicial Atlas in civil matters and the JURE database.

⁸⁶ Budget allocated to "specific trans-national projects of Community interest presented by an authority or any other body of a Member State, an international or non-governmental organisation, and involving in any case at least two Member States or at least one Member State and one other State which may be either an acceding country or a candidate country" (Article 4(b) of the founding Decision).

⁸⁷ Budget allocated, according to the annual work programme, to specific projects in the context of the implementation of the European competition rules. These are projects aimed at promoting judicial cooperation between, and the training of, national judges in the context of the enforcement of the European competition rules including Articles 101 and 102 of the TFEU, as well as the State Aid rules, with the aim of contributing to the development and implementation of European competition policy and Community cooperation measures in the field of competition to ensure the consistency of Community competition policy.

⁸⁸ Budget allocated to "the activities of non-governmental organisations or other entities pursuing an aim of general European interest in accordance with the general objectives of the Programme under the conditions set out in the annual work programmes" (Article 4(c) of the founding Decision).

⁸⁹ Budget allocated to "operating grants to co-finance expenditure associated with the permanent work programmes of the European Network of Councils for the Judiciary and the Network of the Presidents of the Supreme Judicial Courts of the European Union, insofar as it is incurred in pursuing an objective of general European interest by promoting exchanges of views and experience on matters concerning case-law and the organisation and functioning of the members of those networks in the performance of their judicial and/or advisory functions with regard to Community law.

⁹⁰ Budget allocated to the management of the membership of the community in The Hague conference on private international law.

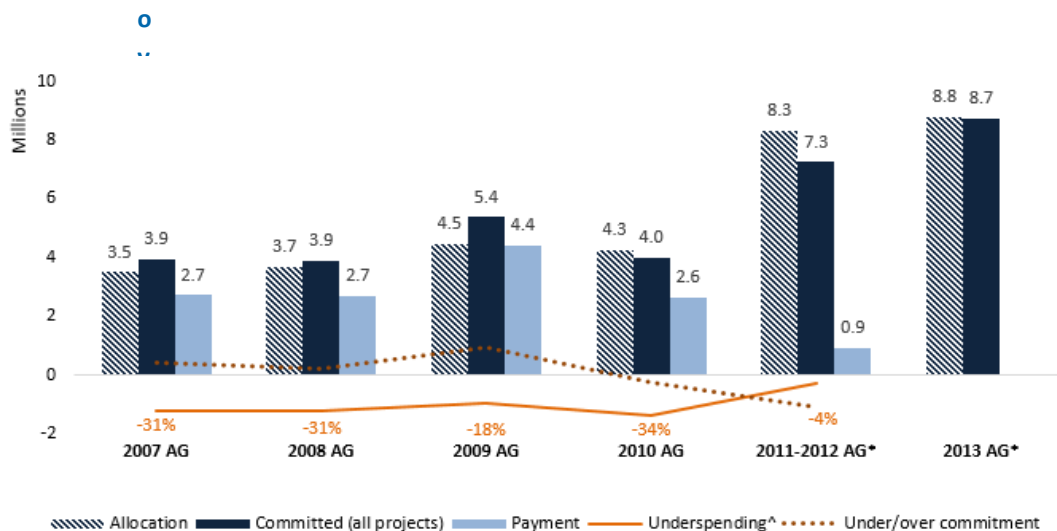
⁹¹ Budget allocated, according to the annual work programme, for operation of the European Judicial Network in Civil and Commercial Matters, created by Council Decision No. 2001/470/CE of 28 May 2001, establishing a European Judicial Network in Civil and Commercial Matters.

⁹² Budget allocated to "specific actions initiated by the Commission, such as studies and research, opinion polls and surveys, formulation of indicators and common methodologies, collection, development and dissemination of data and statistics, seminars, conferences and expert meetings, organisation of public campaigns and events, development and maintenance of websites, preparation and dissemination of information material, support for and management of networks of national experts, analytical, monitoring and evaluation activities (Article 4(a) of the founding Decision).

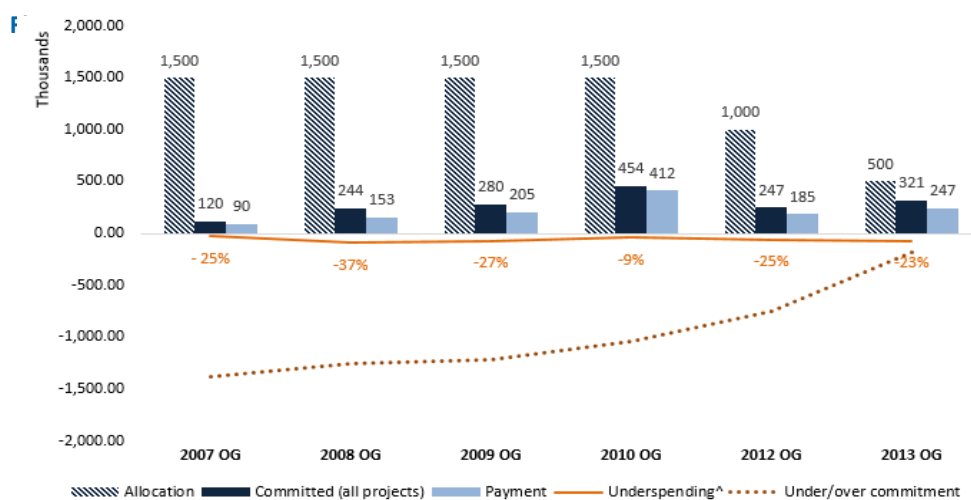
The budget allocated to AGs and OGs between 2007 and 2013 was € 40.5 million, of which € 34.9 million was actually committed and € 14.6 million was spent as of January 2015.

Figures 6.1 and 6.2 are from the quantitative analysis of the data compiled from the mapping of the project final reports, along with other figures provided for the purposes of this evaluation. The first figure is for AGs, and the second for OGs. They give an overview of the total funds allocated, committed and paid to date for AGs and OGs, along with an analysis of whether any under or over spending of commitments occurred during the programme period.

Figure 6.1 JCIV total allocated, committed and up-to date paid funds for AGs, including total



Allocation and underspending by call for proposal



Allocated, committed and up-to date paid funds for OGs, including total over/under commitment and underspending by call for proposal

According to Figure 6.1, in total 81% (€ 33 million) of all funding was allocated to AGs, and the budget committed every year is slightly higher in the first three calls and slightly lower in the last three. However, the total budget committed for AGs was lower than the total allocated.(€ 33.1 million allocated and € 30.2 million committed). Data for AGs further shows that the amount of funding increased throughout the calls (€ 3.5 million in 2007 and €8.8 million in 2013). This could relate to the increased visibility of the programme and the consequent increase in numbers of applications.

Figure 6.2 gives a different picture with respect to the OGs. In fact, OG calls have much lower total allocation of funding than AG calls, with a total of only € 7.5 million allocated to OGs. The total committed budget was much lower than the initial allocation and equalled € 1.7 million. The lower levels of actual commitment to OGs might reflect a lack of good proposals and may also confirm the fact that strict requirements imposed for applying for OGs reduce the number of applications and grants awarded.

Clearly there was a high demand for project funding, in terms of applications versus selected projects. A total of 385 applications for JCIV AGs were submitted between 2007 and 2013, and applications for the first calls had a higher success rate than those submitted for later calls. The 2007 and 2008 calls had a success rate of 61% of 44 and 31 applications respectively, but this proportion dropped to 20% for the 2011-2012 call, when applications reached a peak of 127 (which covered two budgetary years) and to 29% for the 2013 call (with 96 applications).

Out of a total of 50 OG applications (average of 7 applications over the period, except for 2010 call when a peak of 15 applications was reached), success rates were higher in 2008 and 2009 (50% and 43% respectively) dropping to 20% in 2010 and raising slightly to 29% and 38% in 2012 and 2013.

The other funding tool available under the programme was public procurement. During the implementation period the Commission committed € 39.3 million, of which € 30.8 million was contracted for a total of 246 procurement contracts. Some 36.2% of expenditure on procurement was committed to studies; over 33.4% on IT services, and 26.8% on events € 30.8 million was committed to such contracts. This was 49% of the total committed budget. In addition to the Commission's initiatives, under JCIV procurement it is foreseen also the budget allocated to the management of the membership of the community in The Hague conference on private international law and that allocated, according to the annual work programme, for the operation of the European Judicial Network in Civil and Commercial Matters, created by Council Decision No. 2001/470/CE of 28 May 2001, establishing a European Judicial Network in Civil and Commercial Matters. The former had minor impact on the budget, while the latter corresponded to a commitment of € 17,8 million. This budget, according to the limited information available, was planned on specific activities during the previous year and it was, overall, entirely committed and paid.

6.1.2 Extent to which the financial resources made available were used in an efficient way

Determination of whether the financial resources made available were used efficiently requires an analysis of the inputs (i.e. costs of the project) versus the outputs produced. Since information was only provided concerning the total cost of the grant (whether the commitment or the payment), it is not possible to identify the costs of individual outputs and thus establish unit costs as benchmarks. In addition, the data on outputs was identified through the mapping exercise of all projects, and the quality and completeness of this information varied greatly as it depended entirely on the level of detail provided in the final reports. Without information on costs of specific activities/types of expenses, it is not possible to provide a full input – output analysis.

As noted above, the initial total budget planned for the implementation of JCIV during the programming period was € 109.3 million, of which € 34.9 million was actually committed. Given that not all actions have been fully completed, the total amount paid is not yet known. The average underspend to date is 25%, which although not low is acceptable considering the type of stakeholders addressed by the programme.

With these amounts, JCIV funded 130 AGs, 16 OGs and 247 procured actions. The reasonable spending levels would suggest that the financial resources were overall used in an efficient way. For procured activities, it appears that all those completed to date were fully paid, which would also hint at efficient use of financial resources.

In an effort to produce some analysis of project inputs and outputs, this assessment identified a set of projects with similar activities and then compared them in terms of their overall costs and generated outputs. As only a few projects were identified which only

undertook a single type of activity, it was not possible to look at this sample. However, it was subsequently found that eight AGs had implemented a combination of two types of activities, namely analytical activities and awareness raising activities (no OGs were identified as implementing these types of activities).

Table 6.2 below puts presents the outputs identified for each and arranges them from the grant with the lowest value to the highest value. This provides an indication of the lowest 'unit costs' which were achieved by a successful project, as a type of benchmark for assessing the cost-effectiveness of other projects. However, such benchmarks can only be indicative, given the large variation among programme beneficiaries and contexts.

Table 6.1 Inputs and outputs of grants focusing on analytical and awareness-raising activities

Call for Proposal	Project code	Total project cost in €	Outputs and results related to analytical activities	Outputs and results related to awareness-raising activities
2007 AG	25	56.000	Conference report	Conference
2007 AG	23	72.218	Conference report	2-day seminar with 101 participants
2007 AG	3	77.440	Comparative report A proposal containing the appropriate (legislative and technical) measure	2 3-day seminars with 30 participants, 12 participating Member States
2011-2012 AG	3438	98.350,46	Scientific report	Conference with 95 participants, 11 participating Member States
2007 AG	28	149.084	Comparative analysis Draft legal instrument on the law of succession Post-conference scientific papers published in national and English languages	3 law conferences Legal press articles Seminar
2007 AG	32	158.408,88	Thematic fiches with general information on successions law	Presentation video mini-CDs (in the end they were USB sticks); 1000 copies distributed brochures; 5000 copies distributed in 3 languages website created; 94000 people reached, 160 countries reached
2007 AG	40	182.856	European Commentary - a multilingual instrument providing information on different European legislation: 600 pages	Conference
2008 AG	1009	211.720	Survey with 24 participating Member States	Creation of a multilingual cross-border internet portal

As Tables 6.2 shows, the budgets for AGs with only the two types of activities vary substantially, from € 56.000 to € 211.720.

A review of the information gathered from the final reports via the mapping exercise showed that nearly all AGs carried out some type of analytical activity: these included data collection and analysis, surveys, methodological development, mapping and other similar activities which were subsequently presented in a report or study. The main reasons for price differentials for analytical activities appear to relate to:

- Publication costs: the number of paper copies or CD-ROMs produced containing the outputs of the analytical and related activities
- The development and delivery of training related to the analytical activity
- The development of guidance materials related to the analytical activity
- The implementation of other 'complementary' activities, such as study visits, exchanges, summaries, articles, etc.

The analytic activities were then often linked to awareness-raising, information and dissemination, including all activities promoting and raising awareness, such as a project result (e.g. research findings and policy recommendations) or more general messages (e.g. the benefits of using electronic tools for the promotion of justice). Activities can also include the organisation of events, exhibitions, information campaigns, conferences, video, and social media. The main outputs derived from these activities are information and dissemination materials, including websites, information pamphlets, videos, and social media applications..

The main reasons for price differentials for awareness activities seem due to:

- Publication costs: the number of leaflets and other promotional materials produced
- The size of the conferences organised
- The extent to which seminars, workshops and other events were international or not

The higher budget AGs do appear to have produced particularly costly outputs (CDs, multilingual e-portal) and have reached out to larger target audiences, e.g. through higher number of publications and higher numbers of participants.

In addition to giving a sense of the cost relationship between inputs and outputs, the table also reveals the strong links between analytical and awareness-raising activities. Grants often started with data collection and other research activities, which were then used as the basis for analytical reports, as well as for training and guidance, and then disseminated via a range of other outputs, e.g. websites and events. This is an indicator of efficient use of funding.

On the basis of the above, it appears that in general resources were used efficiently, with the exception of a few grants which show relatively few outputs when considering their total budget. This may indicate some inefficiency, but it could also be due to a failure to clearly report on outputs in the final reports.

In addition to the above information, compiled from the mapping exercise, it is also relevant to look at how the grant beneficiaries ranked the various activities and outputs against this criterion. The efficiency of the implemented actions was in general rated high, with the majority of actions considered as value for money. Of the six activities rated by survey respondents:

- 23 (51%) of those that implemented 'awareness-raising, information and dissemination' rated them as "best value for money";
- 15 (50%) of those that implemented 'training activities' rated them as "best value for money";
- 22 (49%) of those that implemented 'mutual learning, exchange of good practices, cooperation' rated them as "best value for money";
- 17 (49%) of those that implemented 'analytical activities' rated them as "best value for money";
- 5 (38%) of those that implemented 'support and advice services' rated them as "best value for money"; and
- 1 (17%) of those that implemented 'maintenance of hardware/software' rated them as "best value for money".

Out of the 14 grant beneficiaries interviewed, all indicated that the activities that were implemented were cost efficient. More information provided by grant beneficiaries is illustrated in Box 6.1 below.

Box 6.1 Stakeholder views on which activities were cost-effective

- **Research and analytical activities were cost efficient because of the potential impacts.** One interviewee said that ‘*the research will help to establish the scientific basis for the harmonisation of EU tort law*’.
- **Awareness raising, information and dissemination activities were considered especially cost-efficient.** One interviewee indicated that “*the country visits and the seminars were cost-efficient taking into account the budget and the outcomes*”.
- **Conferences and meetings can cost but are very effective because of the potential impacts.** One interviewee said that “*the Annual Conference offers a forum for the exchange of knowledge and best practices*”. Another interviewee made a specific reference to workshops to address the real skills needed in mediation and for enabling the exchange of knowledge and best practices.
- **Training activities were also seen as cost efficient.** One interviewee indicated that “*the training sessions and the creation of an e-manual and an ADR section in the Czech bar were all cost-efficient activities*”. Another interviewee said that “*the outcomes of the trainings were already visible. Trainings were an excellent opportunity not only to learn, but also to do networking, enhance contacts and exchange best practices*”.
- Finally, **the maintenance of hardware and software was also viewed as value for money.** One interviewee said that “*even if setting up the Spanish e-APP was expensive, it was considered as an investment for the future*”.

6.1.3 Extent to which the resources spent were reasonable to the impacts

As per the intervention logic presented in [Section 1](#) above, the expected impact of JCIV was to contribute to the ‘emergence of a European area of justice in civil and commercial matters based on mutual recognition and mutual confidence’. While this is a hugely ambitious and certainly challenging goal, when looking at project achievements the outcomes and impacts identified would suggest that spending was reasonable, keeping in mind though that a number of projects were still to be completed. In addition, outcomes and impacts take time to manifest themselves and that for many projects these would not yet have been observable at the time of writing their final report.

As already noted above, with some € 109.3 million, the JCIV was able to fund 130 AGs, 16 OGs and a total of 247 procured actions over the period 2007-2013. An analysis of the reports from finalised projects to date⁹³ found that 59 of the finalised AGs and 7 of the finalised OGs show evidence of obtained outcomes and impacts. The lack of evidence concerning the other finalised projects may be due to confusion over the distinction between outputs and outcomes.

It is also important to keep in mind that the resources spent were awarded by a competitive process. Because a much higher number of applications were received than eventually selected (on average, 43,6% of AG applications received and 34,8% of OGs were finally selected), the Commission was able to apply the selection criteria rigidly and to choose those applications which appeared to bring most EU-added value and the best value for money. This increases the likelihood that impacts were achieved at a reasonable cost.

On the basis of the evidence gathered, it can be concluded that the objectives of the programme were achieved at a reasonable cost. Very few respondents stated that the resources made available were insufficient. The relatively high number of outcomes achieved (over 400, as counted during the mapping exercise) and the fact that several respondents reported on having achieved significant outcomes is one indication that the positive impacts were produced at a reasonable cost. However, as noted earlier, the cost information available gives only the total budget of the project. Without further detail about the inputs needed to produce specific outputs, it is not possible to determine whether a given output was purchased/produced at a reasonable cost.

⁹³ In total, 107 grants (91 AGs and 16 OGs) were considered to be finalised, but for only 94 (79 AGs and 15 OGs) of them final report was available.

One measure of the reasonableness of the cost compared to the outcomes and impacts achieved is that the majority of the respondents to the online survey reported that they were able to achieve the planned results on time. However, the fact that many respondents indicated that they needed further funding to fully achieve the desired impacts may point at costs not being so reasonable if more than one project/action was needed to reach the expected effects.

Considering the significant number of projects and the outcomes and impacts achieved, the evidence gathered seems, therefore, to confirm that the money spent was reasonable in comparison to the positive impacts achieved. Out of the 15 interviewees, 14 indicated that either some, most or all activities implemented were cost efficient.

However, as mentioned in [Section 5](#), regarding the financial sustainability of JCIV programme projects and whether or not further funding is required to sustain the results of the project, more than half of the participants in the survey, i.e. 27 out of 52 survey participants, indicated that further funding was indeed needed to guarantee the financial sustainability of the projects/activities.

As mentioned in section 4, according to the responses to the online survey, the projects contributed to the development and implementation of EU policies and legislation. 21 out of 50 respondents to the online survey, 21 respondents received attention from policy makers. Out of the 15 interviewees, five indicated that policy makers provided feedback on the outputs/outcomes of the project. Again, it may be concluded that the amount of money spent was reasonable in comparison to the positive impacts achieved (i.e., the interest shown by policy makers in the projects, the project/activities successfully contributed to the implementation of EU law and the large number of outputs associated with the development of policy).

Moreover, 32 out of 52 respondents to the online survey (62%) reported that their projects/activities were considered as leading the way forward, by other actors working in the same policy area. Out of 15 interviewees, nine indicated that other actors working in the same policy area would consider their project/activities as leading the way forward. One interviewee indicated that “the research offers a comparative overview of EU law of Torts and a solid scientific basis for the harmonisation of EU law”. Another interviewee indicated that “it has created a uniform electronic registry system that did not exist before”. Therefore, in light of the positive impacts achieved, e.g. most projects reached the expected target groups, many projects made a significant difference to the thematic area they were working in and the projects/activities were considered as leading the way forward, the amount of money allocated to the JCIV programme may be considered reasonable.

6.1.4 Extent to which the allocation of funds among the different tools was efficient

As stated in the founding Decision, the funding tools primarily served the following purposes:

- Action grants: specific transnational projects of Community interest involving at least two Member States or at least one Member State and one other state which could either be an acceding country or a candidate country,
- Operating grants: support to the activities of NGOs or other organisations, pursuing an aim of general European interest regarding the general objectives of the programme
- Procurement: specific actions taken by the Commission including studies and research, opinion polls and surveys, seminars, conferences and experts meetings, organisation of public campaigns and events, development and maintenance of websites, support for and management of networks of national experts, monitoring and evaluation activities.

Of the € 33.1 million initially allocated to AGs, € 30.2 million euro was finally committed, with an average rate of budget absorption of 54% (payments as a share of commitments), which is low. When looking at the different calls, the absorption rate is higher in 2009 (81%) than in 2007 and 2008 (69%), and 2010 (65%), with an average absorption rate of 72%. In time,

funding to AGs appears thus to have been allocated in an increasingly efficient manner⁹⁴, especially when taking into account the ‘newness’ of the programme, the outputs and results achieved (see also section 4 above) and the findings of the input/output analysis above. Data for payments regarding 2011-2012 and 2013 calls are not entirely available yet. OGs received considerably less than initially allocated (€ 1.656 instead of € 7.500) but budget absorption of OGs was overall acceptable (77% on average). As for AGs, OGs funding allocations appear to have been efficient.

Although each of the funding tools had a clear focus, under JCIV procurement is largely used and might, to some extent, overlap with the activities undertaken by AGs and OGs. Generally speaking, procurement is not well perceived as a funding tool as the ownership stays with the Commission. During the implementation period, the Commission committed € 39.3 million, of which € 30.8 million was contracted for a total of 246 procurement contracts. Some 36.2% of expenditure on procurement was committed to studies; over 33.4% on IT services, and 26.8% on events. Whilst the proportion of allocated funding actually committed is higher than that achieved for the OG funding tool, it still remains significantly under-used, which could have negatively affected the Commission’s interests in e.g. programme monitoring and dissemination of programme results at the EU level. Data on final payments is not available, although following consultation with the Commission, the funding tool was considered to be efficient, possibly the most efficient of the three.

Finally, as already noted, the funding tools were implemented through a competitive process, using calls for proposals (for the grants) and calls for tender (for procurement), which attracted high numbers of applications. Whilst this would suggest an efficient allocation process of the grants, the low funding levels of OGs, as already highlighted, raises questions about the efficiency of the OGs as a funding tool to achieve the ambitious objectives of the JCIV programme.

6.2 Scope for simplification

The evaluation of management efficiency and the scope for simplification is closely linked to the other findings on efficiency under this section and based on an assessment of the implementation process, e.g. whether it is overly complex (including unnecessary complicated administrative rules), or the reporting requirements too burdensome.

Based on the data collected to date, the Commission’s management of the JCIV was, overall, perceived as efficient in terms of the requirements imposed on applicants and grant beneficiaries and in view of the support received. However, some organisations experienced difficulties with the application and implementation process. For example, stakeholders noted complex procedure for applying in the calls for proposals and difficulties encountered with the technical and IT system, which has led to some organisations refraining from responding to the calls for proposals. There is some scope for simplifying the procedures for applicants and beneficiaries including: improving technical/IT systems; simplifying accounting procedures and financial reporting; improving and speeding up the feedback process; paying institutions for their work. Reporting arrangements were overall considered appropriate but sometimes cumbersome, particularly with regard to financial reporting. The Commission’s monitoring arrangements were overall perceived as useful, however some respondents experienced difficulties.

6.2.1 Efficiency of the Commission’s management of the programme

6.2.1.1 The application phase

Based on the data collected, the requirements for applicants to access JCIV funding were, overall, appropriate, although some concerns were expressed, especially on the procedure to submit an application and the IT system provided to that end.

⁹⁴ Several programme evaluations, including Youth in Action, the ESF and the EU Structural Funds suggest that an absorption rate >80% is acceptable especially when the programme is introducing innovation and/or involving new stakeholders to work together / requiring new stakeholders to work together.

Support from the Commission during the application procedure

The support received from the Commission during the application procedure was considered to be absolutely 'good' by 55% of the respondents, while 20% only considered it as 'partially good'.

The overall judgment is then quite positive. Nevertheless, there were 16% of respondents who did not know or did not express their opinion. This could suggest that a number of applicants were not aware of the possibility to receive support from the Commission during the application procedure.

Procedure for submitting an application was straightforward

Regarding the question whether or not the procedure for submitting an application was considered as straightforward, only 33% strongly agree, while 47% partially agreed, suggesting they were not entirely happy with it. Moreover, 12% partially disagreed.

One interviewee stressed that: 'requiring a bank guarantee hampers the administration of the project' and that 'the administrative expenses should be reduced. The process is too bureaucratic and results in an investment of time and staff that is counter producing for the activities'. Another interviewee stated that "*the [...] application process was not very clear but that this issue was counterbalanced by the excellent management of the Commission and the availability of the staff to resolve our doubts*".

The information in the calls for proposals

Detailed information for JCIV grant applicants was available on the DG Justice website from the programme start-up. However, according to one interviewee, specific guidelines were provided by the Commission only at a later stage of the programme. This is most likely the reasons why the information provided to applicants during the call for proposal and application process was regarded as clear and easy-to-understand by less than half of respondents (46%), while 35% only partially agreed and 12% partially disagreed. One interviewee in fact highlighted that '*the calls could be more general to fit all the potential of the project. In addition the initial budget break up that has to be presented should be flexible to some extent so the issues that might arise during the execution of the project can be addressed*'.

Responses to the online survey indicated that in order to respond to the call, 11% of 52 respondents had to request help from persons with specific expertise and knowledge on the procedures, although 32% did not. 25% of 53 respondents confirmed that they knew of organisations/projects/practitioners that did not respond to the call for proposals due to the complex/difficult requirements of the call. This is quite a high proportion and this finding should be taken on board by the Commission, perhaps by considering how they could simplify the process

Technical and IT system

The technical and IT system provided via the Commission tools were considered appropriate by less than half of survey respondents to this question: only 33% of the respondents strongly agreed that it allowed them to work effectively, although 47% partially agreed. One survey respondent indicated that "there were technical problems with the excel form that was to be used for the final financial statement and needed to be adapted by EC staff members according to our specific requirements. This task became time consuming because of the many faults in the amended excel form that was provided to us". One interviewee stated that "*at the time of the call the IT/technology system was not working at its full potential but it has improved with time*".

6.2.1.2 The implementation phase

Reporting arrangements

Reporting arrangements were considered appropriate by less than half of survey respondents to this question. As described below, many survey respondents and interviewees complained about the burdensome accounting procedures and the audit

process, as well as about the lack of feedback provided by the Commission. However one interviewee welcomed the introduction of kick-off meetings, the increased involvement of the policy team in terms of discussion about project outputs and the creation of improved guidance on managing grants.

Reporting arrangements concerning the progress and achievements of the project/activities were considered appropriate by 29% out of 60 respondents to this question, while 33% partially agreed and 8% strongly disagreed.

One survey respondent indicated that *“the accounting procedures were cumbersome”*, while another stated *“sometimes, we received contradicting information about the handling of the final financial statement”*.

Regarding the audit process, a survey respondent indicated that *“the post-audit process creates uncertainty in organisations applying for funding. I know of many organisations that have applied for funds. 100% of the organisations that were audited were asked to give money back and, in some cases, the auditors’ petition was, at least, debatable”*.

Another survey respondent indicated that *“after an external audit it took the EC a bit over a year, from the date of the final audit report, to inform us whether they endorsed the findings and recommendations in the audit report and to transfer the amount owed to our institution”*.

One interviewee stated that *“they have not yet received any feedback from the Commission”*.

Monitoring arrangements

As for the Commission’s monitoring arrangements, these were considered as good and helpful during the implementation of the project/activities by 37% of respondents out of 57 respondents. 24% considered it as partially good and helpful and 2% strongly disagreed. No information from the follow-up interviews that have been finalised suggested any problems with the Commission’s monitoring arrangements.

Overall cooperation with the Commission

Overall cooperation with the Commission was considered positive by 56% of respondents out of 61 respondents. 34% partially agreed, while 6% did not know/did not express an opinion and 4% partially disagreed. Out of the 15 follow-up interviews that have been finalised at the time of drafting this evaluation report, all 15 interviewees were, overall, very positive and happy with the Commission’s management.

Most of the interviews expressed a positive judgment: *“no problems with Commission management”*; *“the management by the Commission is impeccable”* *“we are happy with the Commission management”*, *“the management of the Commission was excellent. The communications were appropriate. The ‘kick off’ meeting was especially useful to meet others doing similar work, get acquainted with the topic and the functioning of the projects”*.

However, one survey respondent indicated that *“there were discussions over months about questions one would expect to be answered easily by the EC staff members we contacted for advice”*.

Duration of the grant as sufficient/appropriate:

A total of 87% of respondents to the survey indicated that the duration of the grant was sufficient/appropriate. However, one interviewee stated that *“there was a delay between the application and the award of the grant which results in having to rush through the activities and, sometimes, not being able to achieve the expected results”*, while another indicated that *“the only critique was with the timing of the grant, as we did not have enough time for final publishing”*.

A number of respondents to the survey have highlighted their difficulties with the duration of the grant. These are listed in Box 4 below.

Box 4 Respondents' difficulties with grant duration

- "The standard duration of 24 months is not sufficient for a genuine research project, especially considering the short time between the award of the grant and the project kick-off".
- "The duration of one year is insufficient as most of our comparative research studies take more time".
- "Our project was rather complex, involving a website but also a variety of events and a publication. The time for these tasks could have been slightly longer, i.e. six months maybe".
- " Although the modules were exactly planned, every time there is a problem of final publishing of a quality publication within the short time of two years".

6.2.1.3 Scope for simplification

Despite the fact that the management of the application and implementation phase of the projects by the Commission were considered as overall positive by the interviewees and the majority of survey respondents, many interviewees and survey respondents have highlighted areas that could be improved and simplified in the future.

The main concern with regard to management was the perception that the financial requirements were overly complicated and needed.

Many in fact argued for simplification of the accounting procedures and asked for more straightforward information on financial reporting and the final financial statement. One survey respondent indicated that *"efforts should be made to simplify the accounting procedures and reduce the related costs"*. An interviewee stated that *"the calls could be more general to fit all of the potential of the project. In addition, the initial budget breakdown that has to be presented should be flexible to some extent so that the issues that might arise during the execution of the project can be addressed"*. Another interviewee suggested that *"the templates for the budget and for the final report can be reviewed to adjust to the scale of the project"*.

Concerns were also expressed about time management issues. Firstly, some stakeholders affirmed that the duration of the grant for the actions should be extended as it was currently too short. One interviewee indicated that *"a longer period of time is needed as most research projects need between 2 and 3 years to show results"*.

Linked to this issue were the concerns expressed with regard to the fact that the Commission itself did not always respect project timelines so that corrections could be made if necessary. The Commission should therefore speed up and improve the feedback process. One interviewee suggested that *"it would be useful if they provided some feedback on the Unalex website"*.

7 European added value

This section assesses the EU added value of the JCIV programme. It reviews the:

- Different ways in which the programme provides EU added value, i.e. particular aspects of the programme that provide EU added-value which gives it a comparative advantage as opposed to other non-EU donors;
- Pertinence hereof, by reviewing to what extent Member States could have achieved the same results without EU intervention.

7.1 The EU nature of the programme

In general, funding within the framework of financing programmes managed by DG JUSTICE and covered by this evaluation was only available to activities with clear European 'added value'. This means that activities must transcend national or local interests to become truly 'European' with European relevance, coverage and impact.

The JCIV programme's added-value mainly relates to its transnational dimension within the EU. The programme was established in order to develop an area of freedom, security and justice, in which the free movement of persons is ensured. Member States cannot effectively address this by themselves. Therefore the programme was designed to require a European response, including the exchange of information at EU level and ensuring the dissemination of good practices throughout the EU. Cooperation between EU Member States is therefore crucial for the implementation of the programme. The EU nature of the programme is reflected in the objectives of the programme as well as in relation to the eligibility of actions, as stressed in the founding Decision, the Annual Work Programmes and the Call for Proposals, which required to demonstrate that the proposals would constitute added value at EU level as opposed to national or regional level.

With regard to AGs recipients, Article 4 of the founding Decision stipulates that JCIV funds, inter alia, specific transnational projects involving in any case at least two Member States or at least one Member State and one other State which may be either an acceding country or a candidate country.

The Annual Work Programmes and Call for Proposals laid down the requirement to form transnational partnerships "of eligible organisations, i.e. an applicant plus a minimum of one partner, composed of organisations from at least two different eligible countries, i.e. from at least two different EU Member States". Regarding OGs recipients, organisations must carry out activities with a European dimension involving at least 10 EU Member States. Article 9(5) of the founding Decision also states that one of the evaluation criteria for selecting operating grant applications is the "geographical impact of the activities carried out".

According to Article 5 of the founding Decision, the acceding countries, the candidate countries and the Western Balkan countries included in the stabilisation and association process may participate in the actions of the programme. Furthermore, legal practitioners from Denmark, from candidate countries not participating in the programme where this would contribute to their preparation for accession, or from other third countries not participating in the programme where this serves the aim of the projects may participate as associate partners but are not permitted to submit projects or be co-applicants (co-beneficiaries). The themes covered by JCIV, as mentioned in the annual work programmes and calls for proposals, have strongly focussed on EU matters and transnational cooperation. For example, the 2010 annual work programme sets out as a general priority the area of European e-Justice, and in particular the support of best practices development through transnational pilot projects, which have to demonstrate how they contributed to the improvement of interoperability at EU level.

7.2 The geographical coverage of the projects funded

7.2.1 Member State participation according to distribution of lead and partner organisations

As far as the geographical coverage of the funded action is concerned, from the evaluation conducted it appears that most JCIV grants have been implemented by a select group of Member States (Belgium, Germany, France and Italy). Other Member States were only involved to a limited extent or were not involved at all.

As the JCIV programme focussed on improving judicial cooperation and mutual trust, it was crucial that the programme involved partners and end beneficiaries from different EU Member States. Most of the participant organisations were established in Belgium, Germany and Spain, with most of these organisations being partner organisations. Denmark did not participate in the JCIV programme.

Organisations from all Member States except Portugal, Malta, Cyprus, Croatia, Bulgaria, Slovakia and Denmark participated as lead organisations in the projects of the JCIV programme. The highest number of lead organisations was from Belgium (21% or 31 organisations), Germany (12% or 18 organisations) and Spain (11% or 16 organisations). It should be noted that Belgium hosts a high share of EU level networks, platforms or forums which explains the relatively high participation rate of organisations registered in Belgium.

The highest number of partner organisations was from Italy (10% or 57 organisation) followed by Spain (10% or 55 organisations). However the partner organisations were relatively well spread across different Member States.

7.2.2 Distribution of funding by Member State of lead organisations

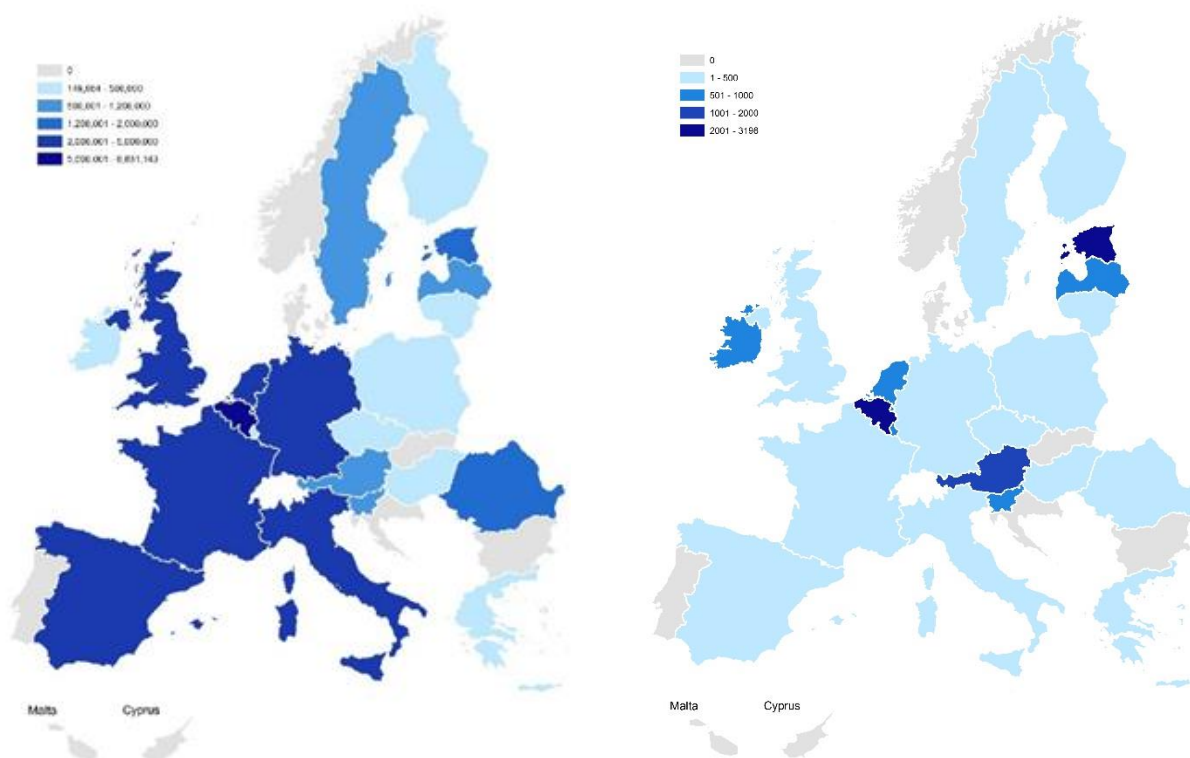
21% of the JCIV programme funding was committed to projects where a Belgian organisation acted as a lead followed by Germany (12%) and France (11%). This funding distribution closely follows the distribution of the number of projects led by Member States.

Distribution of funding by Member States of the lead organisation is presented in Figure 7.2 (left). However, it should be noted that the funding map does not show the spread of committed funding among project partners. The figure assumes that all of the committed funding was allocated to the country of the lead organisation. As this was not the case in reality (projects were transnational and project partners also received part of the funding) the figure should be interpreted with great caution.

The committed funding per Member State of lead organisation was further divided by the number of legal practitioners⁹⁵, to account for differences in the size of the judiciary in each Member State (see Figure 7.2 right). Assuming that the committed money to lead organisations was not shared with partners outside the Member State of the lead organisation, then JCIV spent, on average, 2,295 € per legal practitioner in each Member State (with a median value of 352 €), ranging from 9.22 € in Poland to 3,198 € per legal practitioner in Estonia.

⁹⁵ The CEPEJ 2014 evaluation report includes data on the number of judges per country and the number of prosecutors and similar staff (see the full report at: http://www.coe.int/t/dghl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf)

Figure 7.2 Allocation of JCIV committed funding by lead organisation (left) and by lead organisation per legal practitioner (right)

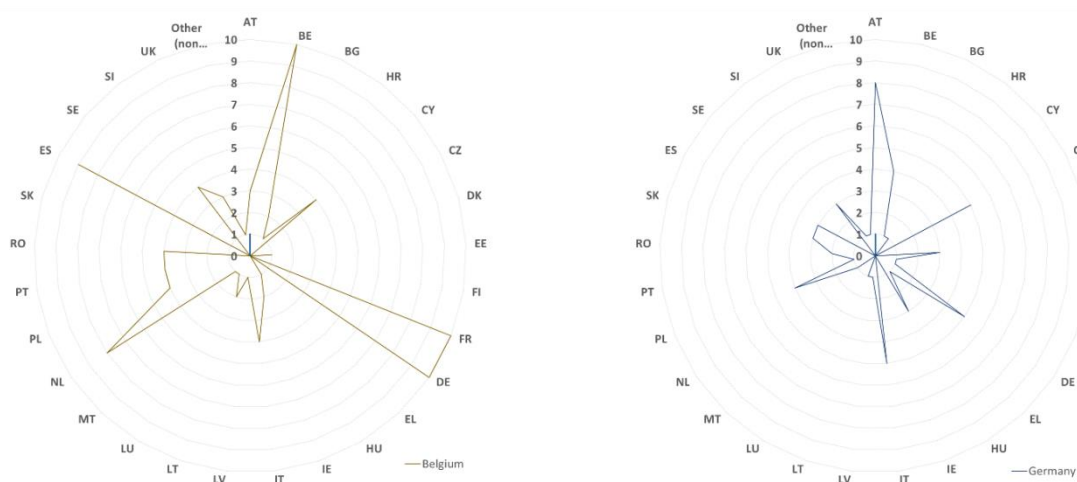


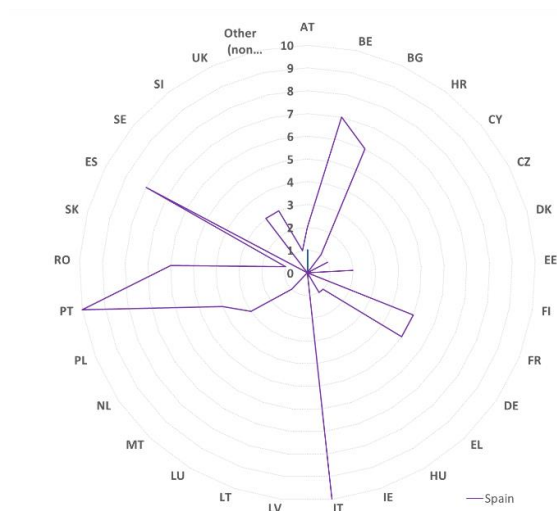
7.2.3 Structure of the partnership

Figures 7.3 further highlight the partnership structure of the Top 3 Member States with the highest number of lead organisations (Belgium, Germany and Spain). Figures show that Belgium lead organisations commonly work with Belgium, French and German partners as well as Spanish and Dutch partners.

German lead organisations most frequently partnered with Austrian organisations (eight projects) followed by Czech, German and Italian organisations. Spanish lead organisations mostly partnered with the Portuguese, Italian and Spanish organisations.

Figure 7.3 Partnership structure for the Top 3 Member States of lead organisations

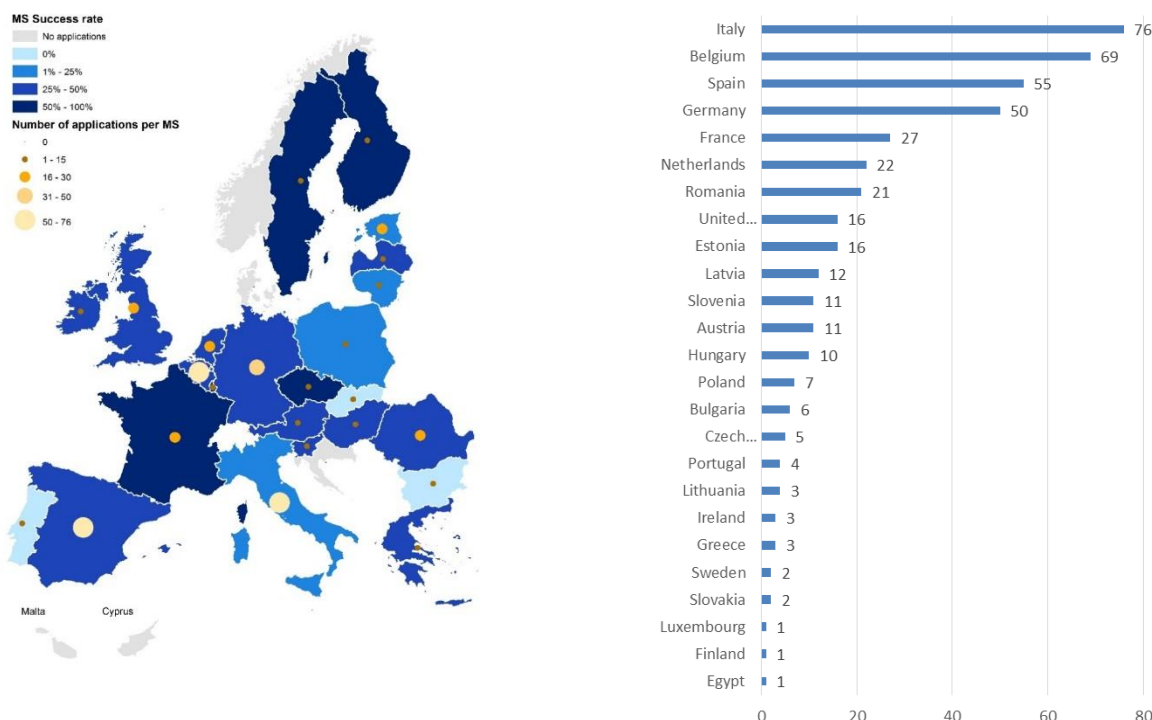




7.2.4 Analysis of the geographical coverage of the programme

The JCIV programme did not cover all Member States equally. In total 385 applications were received through JCIV programme between 2007 and 2013. The highest number of applications was submitted by Italian organisations (76) followed by organisations from Belgium (69) and Spain (55). These top three applicant Member States submitted 52% of all applications for funding from the programme. Croatia, Malta, Cyprus and Denmark did not apply for the JCIV funding.

Figure 7.1 Total number of applications in JCIV projects (right) and the success rate by MS (left)



Luxembourg, Finland, Czech Republic, France and Sweden showed the highest success rates of the submitted applications (more than 50% of the applications were successful). Portugal, Bulgaria and Slovakia did not succeed to obtain the funding from the JCIV programme.

7.3 The added value of the programme for grant beneficiaries

The follow up interviews and on-line survey showed that the transnational partnership brought specific benefits to the beneficiary organisation, which no other funding source would have enabled on the same scale⁹⁶. The partnership approach has resulted in an increased knowledge-base of participating organisations. Out of 59 respondents to the on-line survey, 45 confirmed that the partnership results in more knowledge/expertise in the topic area, in networking consisting of (more) international partners (41 respondents) and in more knowledge on policy and practice in other countries (38 respondents). The partnership also contributed, to a lesser extent, to more knowledge on relevant EU legislation and EU policies

The transnational partnership also further extended the scope for dissemination of the results. The survey results, as well as stakeholder consultations, indicate that good working relations between partners had enabled organisations to reach all target groups – including those difficult to reach, and had ensured wide dissemination of the achieved results. Engagement of all partners in the project, clear task allocation, and agreement on how to implement activities, had facilitated reaching these results. However, despite overall satisfaction with the partnerships, 26% of the online survey respondents strongly agreed, and 35% partially agreed with the statement that it would have been useful to involve partners from other countries.

Follow up interviews also confirm the specific benefits of transnational partnerships, i.e. increased knowledge-base and extension of the scope for dissemination, and good working relations between partners underpinning these specific benefits. Box 5 below outlines the advantages of the transnational element of partnerships under the JCIV – as outlined by project partners. Box 7.1 states quotes taken directly from the stakeholders that participated in the interviews.

Box 7.1 Benefits and added value of transnational partnerships for grant recipients

- “The partners continued working together. The Spanish Ministry of Justice is a member of the Hague Conference on Private International Law and so there was a common interest to promote the unknown Hague Apostille Convention”.
- “The work of the partners has continued. They organise trainings 3/4 times a year. The number of trained lawyers has risen to over 200 (we started with 50)”.
- “The tasks were divided evenly. When one of the partners found difficulties in carrying out all the tasks assigned the other partners would step in”.
- “Although associate partners could not contribute budget-wise, all the partners were equally considered. The tasks were jointly carried out (survey, presenting the results)”.
- “All partners participated equally in the project, both at the research phase and in discussions and dissemination. The partners want to participate in further calls together”.

The specific benefits of transnational partnerships to grant recipients, i.e. increased knowledge-base and wider dissemination of good practices, in turn, facilitate the achievement of the goals set by the community.

7.4 Added value for the EU in achieving EU objectives

In addition to added-value for grant recipients, the survey indicates that the implementation of projects added value insofar as they contributed to achieving the EU objectives. The majority of survey respondents reported that the implemented project/activities made a significant/major contribution to improving cross-border cooperation and the elaboration and dissemination of best practices. For example, analytical activities mainly contributed to other objectives (40%), mutual learning mainly contributed to developing mutual trust among countries (28%) while awareness-raising mainly contributed to the elaboration and dissemination of best practices (25%).

⁹⁶ 87% of survey respondents to this question stated that the projects/activities would have not been implemented without EU funding.

However, the majority of respondents reported that the implemented project/activities only made a minor or no contribution to creating practical tools and solutions that address cross-border or Union-wide challenges and to raising wide public awareness about the rights deriving from EU law.

The EU added value is particularly evident in the responses of grant beneficiaries concerning the importance of the EU funding for the achievement of the objectives. As already discussed in Section 5.1 on financial sustainability 87% of survey respondents stated that the projects/activities would not have been implemented without EU funding.

It can therefore be assumed that most of the project/activities carried out under the JCIV programme would not have been implemented if the programme was not in place.

Box 7.2 below provides an example of how projects contributed to achieving EU objectives.

Box 7.2 Example of how projects contributed to achieving EU objectives

- “Through country visits knowledge and best practices on the functioning of the Registry system of new EU MS (then candidates) was examined and got to be known”.
- “The project has contributed to the exchange of knowledge and best practices, judicial cooperation and mutual trust. The conferences set the ground for further cooperation and contacts among practitioners in order to design the way ahead in judicial cooperation, not only in the field of parental responsibility”.
- “The Spanish e-Apostille system contributed to the visibility and effectiveness of the project and is now an example for other countries”.
- “An e-manual with best practices on mediation was edited. The ADR section was created in the Czech Bar. Over 200 lawyers have been trained”.
- “The first EU level legal database on private law was created. It allows the exchange of knowledge and best practices and offers an in-depth jurisprudential view of different countries across the EU”.

8 Summary of main findings and conclusions

In this Section the main conclusions on the findings as well as the recommendations per evaluation criteria are presented.

8.1 Introduction

This evaluation was based on data collected through an extensive review of the documentation of 146 JCIV grants, an online survey (51 respondents), 15 follow-up interviews with grant beneficiaries, a review of relevant EU policy documents and interviews with Commission officials involved in the Programme.

Various methodological issues, which have impacted on the possibility to draw conclusions with regard to some (elements) of the evaluation criteria, have been identified. The issues include the following:

- Effectiveness of the programme: information on results/outcomes and impact is mostly based on self-reporting of grant beneficiaries and survey respondents. This affects the extent to which conclusions can be made with regard to the actual effectiveness of the FRC programme;
- Efficiency of the programme: the information available for the evaluation provided only overall budgets for the various projects. Without more details on costs of inputs required for specific outputs, a robust assessment of the reasonableness of the costs versus the achieved outcomes is not possible. The conclusions on efficiency of the money spent are therefore largely indicative, based on self-reporting.

In terms of key characteristics of the Programme, the total planned budget for the period January 2007 to December 2013 amounted to € 109.3 million. Most of the financial support within the JCIV Programme's budget was allocated to public procurement contracts and AGs. The remainder of the budget was allocated to OGs. A relatively high share of the budget was allocated to public procurement to finance IT tools and their maintenance, particularly for the e-Justice portal, in addition to other tools e.g. the European Judicial Atlas in civil matters.

JCIV projects were primarily led by national authorities (22%), e.g. ministries of justice/interior, followed by academia (21%), which were also the most common partners, as 22% of JCIV AGs partnered with academia and 20% with public/national authorities.

In terms of activities implemented, for the AGs, these were mainly focused on analytical activities (26%) training (24%) and awareness raising, information and dissemination (23%) followed very closely by mutual learning activities (18%). With regard to the OGs, the main implemented activities were: support to key actors (35%) mutual learning (25%). These two activities were followed by awareness raising (16%).

8.2 Conclusions and recommendations per evaluation criterion

8.2.1 Relevance and of the Programme

- The programme objectives were largely *specific*, *attainable* and *realistic*. However, they were neither *measurable*, nor *time-related* (although bound by programme and project duration);
- Overall the priorities and funded actions can be considered relevant to the objectives of the programme;
- However, the process put in place to select the programme's priorities left little room for manoeuvre, once the priorities had been set (although in principle a project application, which did not reflect any priority could receive a grant due to other award criteria). This meant that in some cases, if a priority changed during the implementation of a project, its results were less useful. Conversely, with regard to training, for example, training learning need could arise that did not fall under the set priorities and which could not be

funded under the programme because they were not taken into consideration in a specific call⁹⁷;

- to fund relevant actions not falling under these priorities, especially with regard to training (e.g. training needs not specifically linked to that annual policy or legislative priority or due to the length). Moreover, due to the lengthy duration of the project cycle (about two years), the relevance of funded actions could be reduced as new policy needs emerged in the meantime;
- The JCIV programme was well designed to support the practical application and implementation of EU policy and legislation, as well as to contribute to policy and legislative development;
- Overall, grant beneficiaries found that the calls and selected actions identified and responded to the needs of the target groups, although the extent to which they had adequately identified these needs varied, with some undertaking elaborate needs assessments and others adopting a less rigid approach.

8.2.2 Coherence and complementarity

- Overall, JCIV has achieved a certain degree of complementarity with other EU programmes in terms of certain objectives and thematic areas, the nature of the programme and target groups, especially with JPEN and FRC. At the same time, however, there is a risk of overlap these programmes;
- Synergies were established at the EU and national levels as well as within the programme itself;
- The JCIV programme was coherent with policy developments at EU and national level as and was able to reinforce policy developments and legislation in the field of civil justice through the funded actions and public procurement contracts.

8.2.3 Effectiveness

- Overall, the actions funded have made a contribution to the programme objectives. However, the data provided in the final reports and the interviews was not sufficient to enable an assessment of the specific level of effectiveness of these activities in achieving the programme's objectives;
- The final reports reviewed tended not to differentiate between the projects' outputs and outcomes. This might be attributable to the fact that neither the final report template nor the guidelines providing instructions for completing the template provided a clear explanation of the difference between outputs and outcomes;
- The robustness of the method used for the needs assessments carried out by the projects could not be assessed by this evaluation. Needs assessments are not a mandatory requirement for the grant beneficiaries;
- The majority of the projects were able to achieve their planned results on time and reach the expected target group. No obstacles seriously influencing the implementation of the project's results or objectives were identified;
- The JCIV grants implemented have contributed to the implementation and development of EU policy and legislation, via grants and public procurement contracts. However, the lengthy project cycle could affect nullify the effectiveness of the finalised actions where policy priorities changed;
- Mechanisms for monitoring projects, while underway, do not ensure the provision of feedback to grant beneficiaries in all cases and for identifying lessons learned, good practices, success factors, etc.;
- Dissemination of results and outcomes of the projects to national and EU policy makers and legislators, amongst JCIV grant beneficiaries and internally within the Commission was also overall insufficient;

⁹⁷ The issue has been solved in the current 2014-2020 programme by listing "other training modules for members of the judiciary and judicial staff" under 'training activities' as a type of action in Article 6(b) of [Regulation \(EU\) No 1382/2013 of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020](#).

8.2.4 Sustainability, transferability and innovation

- Regarding short-term sustainability (i.e. through dissemination of project results), the Commission's efforts to disseminate (and monitor) the results of projects have been, overall, limited. Dissemination to a wider public is identified as key element for ensuring a better impact of the programme. The effectiveness of the dissemination of JCIV results was severely limited by a lack of a specific channel for disseminating them. Grant beneficiaries' dissemination appeared to be more efficient as most of AGs and OGs had established clear plans for disseminating the results of their project/activities;
- Overall, the JCIV programme generated sustainable results the medium- (i.e. continuation of project results and/or partnerships) and long-term (i.e. through the transfer of projects' results to other contexts, organisations and Member States without additional funding, or with limited funding only). Regarding the continuation of partnerships, evidence collected is somewhat contradictory: while the JCIV final reports suggested that this was low, the on-line survey showed different results with the majority of respondents indicating that the partnership had continued. This could be due to partnerships being 'reconstituted' only after a while, when the final report had already been submitted.
- The majority of projects were considered innovative, in particular, by targeting groups or introducing aspects that were not researched or addressed before, or through, the development of new methodologies, approaches or tools;
- More than half of survey respondents indicated that further funding was needed to guarantee financial sustainability of the project/activities;

8.2.5 Efficiency

- Overall, funding provided to AGs, OGs and procurement contracts appears to have been sufficient to support the achievement of JCIV's general objectives
- The financial resources have overall been used efficiently judging by the comparison of inputs/ outputs between projects' budgets, as well as the total outputs and results produced. During the first years of implementation, absorption rates were relatively low, pointing at a lack of financial and administrative capacity, but this increased to an acceptable level after two years.
- The Commission's management of the JCIV was, overall, perceived as efficient in terms of the requirements imposed on applicants and grant beneficiaries and in view of the support received. However, some organisations experienced difficulties with the application and implementation process;
- There is some scope for simplification with regard to the procedures for applicants and beneficiaries including (e.g. improving technical/IT systems or simplifying accounting procedures and financial reporting);
- Reporting arrangements were overall considered appropriate but sometimes cumbersome, particularly with regard to financial reporting. The Commission's monitoring arrangements were overall considered useful.

8.2.6 EU added value

- The JCIV programme had a strong transnational dimension;
- The transnational partnerships resulted in specific benefits for the organisations involved in the implementation of the JCIV activities, e.g. increased knowledge-base of participating organisations, networking consisting of (more) international partners and improved knowledge of policy and practice in other countries;
- The transnational partnerships also contributed to the achievement of the programme's objectives, e.g. improvement of cross-border cooperation and contribution to the elaboration and dissemination of good practices, and, to a lesser extent, to more knowledge on relevant EU legislation and policies;
- The geographical coverage of the funded AGs and OGs was uneven, with a few Member States overly represented (Belgium, Germany, France and Italy) and others involved to a limited extent or were not involved at all.

ANNEXES

Annex 1 Overview of the 2007-2013 priorities as mapped onto the programme general objectives

	Objective 1: Promoting judicial cooperation in civil matters	Objective 2: Promoting the elimination of obstacles to cross-border civil proceedings	Objective 3: Improving the daily life of individuals and businesses notably by fostering access to justice	Objective 4: Improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including judicial training	
2007	Improving the enforcement of judgments in cross-border cases in the Union, particularly the means of recovering debts where the debtor has assets outside his country of residence	X			
	Improving mutual recognition in family law matters, particularly encouraging mutual recognition of patrimonial effects of the separation of married and unmarried couples on property matters	X			
	Encouraging mutual recognition of successions and wills	X			
	Improving and encouraging the recovery of maintenance claims	X			
	Encouraging the convergence of conflict-of-laws rules, including facilitation of the application of foreign law	X			
	Ensuring coherence and upgrading the quality of EU legislation in contract law matters	X			
	Overcoming the practical and administrative barriers encountered in the implementation of instruments adopted on the basis of Article 61(c) of the EC Treaty	X			
	Improving the knowledge of the European Judicial Network in Civil and Commercial Matters (EJN)	X			
	Improving the good functioning of the EJN's national contact points and the cooperation between them and the legal professions	X			
	Exchange and work experience placements		X		
	Providing information for citizens on access to justice in situations involving two or more Member States			X	
	Training for justice practitioners in Community legislative instruments adopted on the basis of Article 61(c) of the EC Treaty and particularly Regulation (EC) No 1206/2001 and Regulation (EC) No 805/2004	X	X		X
	Training for the judges and the central authorities referred to in the parental responsibility Regulation on the operation of that Regulation in relation to their judicial cooperation functions	X	X		X
Mediation techniques training for justice practitioners			X	X	
2008	Encouraging the development and use of e-justice tools for communication in cross-border proceedings	X			
	Projects related to e-justice		X		
	Information for citizens on access to justice in situations involving two or more EU Member States, particularly by means of e-justice			X	

	Objective 1: Promoting judicial cooperation in civil matters	Objective 2: Promoting the elimination of obstacles to cross-border civil proceedings	Objective 3: Improving the daily life of individuals and businesses notably by fostering access to justice	Objective 4: Improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including judicial training	
	Training for judges and legal practitioners on using and applying new IT technologies	X		X	
	Training for justice practitioners in Community legislative instruments adopted on the basis of Article 61(c) of the EC Treaty and particularly Regulation (EC) No 1206/2001; Regulation EC) No 805/2004; Regulation (EC) No 1896/2006; Regulation (EC) No 861/2007; Regulation No 864/2007; Regulation (EC) No 1393/2007	X		X	
	Training for judges and central authorities referred to in the parental responsibility Regulation on the operation of that Regulation in relation to their judicial cooperation functions	X		X	
	Mediation techniques training for justice practitioners		X	X	
2009	Encouraging the development and use of electronic tools in the context of justice and exchange of best practices	X			
	E-justice, succession and wills and enforcement of decisions		X		
	Information for citizens on access to justice in situations involving two or more Member States, particularly by means of e-justice			X	
	Training to develop the use of e-Justice tools regarding electronic communication between judicial authorities, legal practitioners and parties to proceedings	X	X		X
	Training for justice practitioners in Community legislative instruments adopted on the basis of Article 61(c) of the EC Treaty	X	X		X
	Training for judges and central authorities referred to in the parental responsibility Regulation on the operation of that Regulation in relation to their judicial cooperation functions	X	X		X
	Mediation techniques training for justice practitioners			X	X
2010	Encouraging the development and use of electronic tools in the context of justice and the exchange of best practices	X			
	Succession and wills and enforcement of decisions, and the use of electronic tools in these fields		X		
	Information on access to justice in situations involving a cross-border element			X	
	Training for justice practitioners in legislative instruments adopted on the basis of Article 67(4) of the TFEU and particularly: Regulation (EC) No 1206/2001; Regulation (EC) No 805/2004; Regulation (EC) No 593/2008; Directive 2008/52/EC; Regulation (EC) No 1896/2006; Regulation (EC) No 861/2007; Regulation No 864/2007; Regulation (EC) No 1393/2007; Council Regulation (EC) No 4/2009 obligations	X	X		X
	Training for judges, central authorities and practitioners in the area of family mediation referred to in the parental responsibility on the			X	X

	Objective 1: Promoting judicial cooperation in civil matters	Objective 2: Promoting the elimination of obstacles to cross-border civil proceedings	Objective 3: Improving the daily life of individuals and businesses notably by fostering access to justice	Objective 4: Improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including judicial training
	operation of this Regulation in relation to their judicial cooperation functions			
	Promotion and mediation techniques training for justice practitioners, with a view to developing mediation in cross-border cases		X	X
	Training for professions dealing with insolvency and debt management	X		X
	Training to develop the use of e-Justice tools regarding cross-border electronic communication between judicial authorities, legal practitioners and parties to proceedings	X		X
	Development of appropriate training modules and methodologies for linguistic training of judges	X		X
	Improving of the functioning of the EJM in civil and commercial matters and the functioning of national judicial cooperation networks			X
	Contributing to the creation of a genuine European area of justice in civil matters based on mutual recognition and mutual confidence	X		
	Succession and wills and enforcement of decisions, matrimonial regimes, including where possible the use of electronic tools		X	
	Information on access to justice in situations involving a cross-border element		X	
	Training for justice practitioners in legislative instruments adopted on the basis of Article 81 of the TFEU	X	X	X
	Training for judges, central authorities and practitioners in the area of family mediation referred to in Regulation (EC) No 2201/2003 and in the area of mediation in civil matters (Directive 2008/52)		X	X
	Promotion and mediation techniques training for practitioners, with a view to developing mediation in cross-border cases	X	X	X
	Training for professions dealing with insolvency and debt management	X		X
	Training to develop the use of e-Justice tools regarding cross-border electronic communication between judicial authorities, legal practitioners and parties to proceedings			X
	Development of appropriate training modules and methodologies for linguistic training of judges	X	X	X
	Improving of the functioning of the EJM in Civil and Commercial Matters and the functioning of national judicial cooperation networks			X
	Addressing legislative instruments adopted on the basis of Article 81 of the TFEU, in particular covering the minimum standards of procedural law necessary to ensure mutual recognition	X		
	Succession and wills, insolvency proceedings, enforcement of decisions, matrimonial regimes, the law applicable to companies, especially when they concern the use of electronic tools		X	

	Objective 1: Promoting judicial cooperation in civil matters	Objective 2: Promoting the elimination of obstacles to cross-border civil proceedings	Objective 3: Improving the daily life of individuals and businesses notably by fostering access to justice	Objective 4: Improving the contacts, exchange of information and networking between legal, judicial and administrative authorities and the legal professions, including judicial training
Information on access to justice in situations involving a cross-border element			X	
Improving of the functioning of the EJM in Civil and Commercial Matters and the functioning of national judicial cooperation networks				X
European Judicial training of European legal practitioners	X	X		X
Training for justice practitioners in legislative instruments adopted on the basis of Article 81 of the TFEU	X	X		X
Training for judges, central authorities and practitioners in the area of family mediation referred to in Regulation (EC) No 2201/2003 and in the area of mediation in civil matters (Directive 2008/52)			X	X
Promotion and mediation techniques training for practitioners, with a view to developing mediation in cross-border cases			X	X
Training for professions dealing with insolvency and debt management	X	X		X
Training on the use of e-Justice tools regarding cross-border electronic communication between judicial authorities, legal practitioners and parties to proceedings	X	X		X
Development of appropriate training modules and methodologies for linguistic training of judges	X	X		X

Annex 2 Civil Justice Agenda

Box 1 Policy developments in the area of JCIV programme

Judicial cooperation in civil matters

Directive (2008)⁹⁸ on certain aspects of mediation in civil and commercial matters
Regulation (2012)⁹⁹ on jurisdiction, recognition and enforcement of judgments in civil and commercial matters
Proposal (2011)¹⁰⁰ for a Regulation creating a European Account Preservation Order (debt recovery)
Regulation (2010)¹⁰¹ implementing enhanced cooperation in the area of legal separation
Regulation-Rome II (2007)¹⁰² on the law applicable to non-contractual obligations
Regulation- Rome I (2008)¹⁰³ on the law applicable to contractual obligations
Regulation (2009)¹⁰⁴ establishing negotiation procedures between Member States and third countries on applicable law to contractual and non-contractual obligations
Decision (2008)¹⁰⁵ on the European Judicial Network
Regulation (2007)¹⁰⁶ on service of documents in civil and commercial matters

Judicial training

Commission Communication (2011)¹⁰⁷ 'Building trust in EU-wide justice a new dimension to European judicial training'
Commission Reports (2011¹⁰⁸ and 2012¹⁰⁹) on 'European judicial training'
Council conclusions (2011)¹¹⁰ on European judicial training.

Access to justice

Communication (2013)¹¹¹ on the EU Justice Scoreboard
Resolution (2013)¹¹² on improving access to justice
Regulation (2007)¹¹³ establishing a European Small Claims Procedure
E-justice
Council 'European e-Justice action plan' (2008)¹¹⁴ and its Implementation Roadmap (2010)
European e-Justice Portal 164 and e-CODEX (e-Justice Communication via Online Data Exchange)¹¹⁵
ECRIS (European Criminal Records Information System)¹¹⁶

Family matters and succession

Regulation (2012)¹¹⁷ jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and creation of European Certificate of Succession
Proposals (2011) for two Regulations on jurisdiction, applicable law, the recognition and enforcement of decisions on matters of matrimonial property regimes¹¹⁸ and on property consequences of registered partnerships¹¹⁹
Communication (2011)¹²⁰ on bringing legal clarity to property rights of international couples
Regulation (2010)¹²¹ on the law applicable to divorce and legal separation
Green Paper (2010)¹²² and public consultation (2011)¹²³ on 'Less bureaucracy for citizens'

⁹⁸ Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters, OJ L 136, 24.5.2008.

⁹⁹ Regulation (EU) No 1215/2012 OF the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

¹⁰⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0445:FIN:EN:PDF>.

¹⁰¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010R1259:en:NOT>.

¹⁰² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0864:en:NOT>.

¹⁰³ [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0593R\(02\):en:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32008R0593R(02):en:NOT).

¹⁰⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:200:0025:0030:en:PDF>.

¹⁰⁵ Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network, OJ L 348, 24.12.2008.

¹⁰⁶ Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000, OJ L 324, 10.12.2007.

¹⁰⁷ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Building trust in EU-wide justice a new dimension to European judicial training', COM/2011/0551 final, 13.09.2011.

¹⁰⁸ http://ec.europa.eu/justice/criminal/files/report_on_european_judicial_training_2011_en.pdf.

¹⁰⁹ http://ec.europa.eu/justice/criminal/files/european_judicial_training_annual_report_2012.pdf

¹¹⁰ Council conclusions of 27 October 2011, OJ 2011/C 361/03, 10.12.2011.

¹¹¹ http://ec.europa.eu/justice/effective-justice/files/com_2013_160_en.pdf.

¹¹² European Parliament resolution of 11 June 2013 on improving access to justice: legal aid in cross-border civil and commercial disputes (2012/2101(INI)).

¹¹³ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0861:en:NOT>.

¹¹⁴ Council, Implementation of the European e-Justice action plan – Roadmap, 9714/1/10 Rev 1, 21.05.2010.

¹¹⁵ http://ec.europa.eu/justice/criminal/european-e-justice/portal/index_en.htm; <http://www.e-codex.eu/home.html>.

¹¹⁶ http://ec.europa.eu/justice/criminal/european-e-justice/ecris/index_en.htm.

¹¹⁷ Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions, acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, OJ L 201/107.

¹¹⁸ European Commission Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions in matters of matrimonial property regimes, COM(2011) 126 final, Brussels, 16.3.2011.

¹¹⁹ European Commission Proposal for a Council Regulation on jurisdiction, applicable law and the recognition and enforcement of decisions regarding the property consequences of registered partnerships, COM(2011) 127 final, Brussels, 16.3.2011.

¹²⁰ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0125:FIN:EN:PDF>.

¹²¹ Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation, OJ L 343/10.

¹²² European Commission Green Paper, 'Less bureaucracy for citizens: promoting free movement of public documents and recognition of the effects of civil status records', COM/2010/0747 final.

¹²³ http://ec.europa.eu/justice/newsroom/civil/opinion/110510_en.htm.

Annex 3 Priorities of Grants

Since a grant could address more than one priority (which concerns AGs only), the total number of priorities addressed does not align with the number of AGs awarded. In the table below it is indicated when the priority was the applicant's first, second or third choice of priority.

Table 8.1 Relation between grants and main priority areas

	2007	2008	2009	2010	2011-2012	2013
Improving the enforcement of judgments in cross-border cases in the Union, and in particular the means of recovering debts where the debtor has assets outside his country of residence	5 4 (PA 1) 1 (PA 2)					
Encouraging the convergence of conflict-of-laws rules, including facilitation of the application of foreign law	2 (PA 1)					
Overcoming the practical and administrative barriers encountered by citizens and businesses in the implementation of instruments adopted on the basis of Article 61(c) of the Treaty establishing the European Community.	5 4 (PA 1) 1 (PA 3)					
Projects focusing on information for citizens on access to justice in situations involving two or more Member States, (in particular by means of e-Justice)	3 (PA 1)	3 (PA 1)	5 4 (PA 1) 1 (PA 2)	5 1 (PA 1) 4 (PA 2)		
Projects consisting of exchange and work experience placements	3 2 (PA 1) 1 (PA 2)					
Improving the good functioning of the national contact points of the EJN and the cooperation between them and the legal professions	1 (PA 1)					
Improving mutual recognition in family law matters, in particular encouraging mutual recognition of patrimonial effects of the separation of married and unmarried couples on property matters;	1 (PA 3)					
Encouraging mutual recognition of successions and wills	3 (PA 1)					
Ensuring coherence and upgrading the quality of EU legislation in matters concerning contract law	1 (PA 2)					
Training for the judges and the central authorities referred to in the parental responsibility Regulation (new Brussels II Regulation)	1 (PA 1)	2 (PA 1)				
Training for practitioners of justice in mediation techniques	2 1 (PA 1) 1 (PA 2)	3 2 (PA 1) 1 (PA 2)	4 3 (PA 1) 1 (PA 2)			
Training for judges and legal practitioners on using and applying new IT technologies		2 1 (PA 2) 1 (PA 3)				
Encouraging the development and use of e-justice tools (e.g. networking of public registers or use of video-conferencing technology)		7 6 (PA 1) 1 (PA 2)				
Projects related to e-justice to eliminate obstacles to the smooth operation of cross-border civil proceedings		3 (PA 1)				
Projects related to e-justice, succession and wills and enforcement of decisions			3 (PA 1)			
Encouraging the development and use of electronic tools (e.g. e-Signature) in the context of justice and on the basis of exchange of best practices			6 (PA 1)	5 4 (PA 1) 1 (PA 2)		
Training to develop the use of e-Justice tools regarding electronic communication between judicial authorities, legal practitioners and parties to proceedings			1 (PA 2)			
Promotion and training for practitioners of justice related to mediation techniques				4 2 (PA 1) 2 (PA 2)	2 (PA 1)	
Improving of the functioning of the European Judicial Network				2 (1 PA 2) 1 (PA 3)	1 (PA 3)	

	2007	2008	2009	2010	2011-2012	2013
Training for professions/professionals dealing with insolvency and debt management				1 (PA 3)		1 (PA 1)
Training for judges, central authorities and practitioners in the area of family mediation				3 2 (PA 1) 1 (PA 3)	2 1 (PA 1) 1 (PA 2)	2 1 (PA 1) 1 (PA 2)
Projects related to succession and wills and enforcement of decisions, esp. those concerning the use of electronic tools in these fields				1 (PA 2)		
Training for practitioners of justice in legislative instruments adopted on the basis of Article 67(4) of the Treaty on the Functioning of the European Union				7 (PA 1)		
Training to develop the use of e-Justice tools regarding cross-border electronic communication between judicial authorities, legal practitioners and parties to proceedings;				2 1 (PA 2) 1 (PA 3)		
Development of appropriate training modules and methodologies for linguistic training of judges (including administrative judges)					1 (PA 2)	
Projects focusing on finding practical solutions regarding actual cross border procedural difficulties					3 (PA 1)	
Training for practitioners of justice in legislative instruments adopted on the basis of Article 81 of the Treaty on the Functioning of the European Union					4 3 (PA 1) 1 (PA 2)	
Projects concerning Directive 2008/52/EC					1 (PA 1)	
Projects concerning Council Regulation (EC) No 1346/2000 INSOLVENCY					1 (PA 1)	5 (PA 1)
Projects concerning 2007 Hague Convention on the International Recovery of Child Support MAINTENENCE					1 (PA 1)	2 (PA 1) 1 (PA 3)
Projects concerning Regulation (EC) No 593/2008 ROMEI					2 (PA 1)	5 (PA 1) 1 (PA 2) 2 (PA 3)
Projects concerning Regulation (EC) No 864/2007 ROMEII					2 (PA 2)	5 2 (PA 1) 1 (PA 2) 2 (PA 3)
Projects concerning Regulation (EC) No 1206/2001 EVIDENCE					1 (PA 1)	5 (PA 1) 1 (PA 2) 2 (PA 3)
Projects concerning Regulation (EC) No 861/2007 SMALLCLAIMS					2 (PA 3)	3 2 (PA 1) 1 (PA 3)
Projects concerning Regulation (EC) No 1896/2006 ORDERPAYMENT					2 (PA 2)	3 1 (PA 1) 1 (PA 2) 1 (PA 3)
Projects concerning Regulation (EC) No 805/2004 ENFORCEMENT					1 (PA 1)	2 1 (PA 1) 1 (PA 2)
Projects concerning Council Regulation (EC) No 44/2001					2 (PA 1)	
Improving the daily life of individuals and businesses by fostering ACCESS to justice						6 4 (PA 1) 1 (PA 2) 1 (PA 3)
Improving of the functioning of the European Judicial Network NETWORKS						5 3 (PA 1) 2 (PA 3)
European Judicial training of European legal practitioners TRAINING activities						4 2 (PA 2) 2 (PA 3)
Projects concerning Council Regulation (EC) No 4/2009						5

	2007	2008	2009	2010	2011- 2012	2013
MAINTENANCE						2 (PA 1) 2 (PA 2) 1 (PA 3)
Projects concerning Regulation (EC) No 2201/2003 BRUSSELSIIa						9 5 (PA 1) 2 (PA 2) 2 (PA 3)
Promoting the elimination of obstacles to cross-border civil proceedings on INSOLVENCY						1 (PA 2)
Projects concerning Council Regulation (EC) No 44/2001 BRUSSELSI						8 6 (PA 1) 1 (PA 2) 1 (PA 3)
Projects concerning Regulation (EC) No 1393/2007 SERVICEDOC						3 2 (PA 1) 1 (PA 3)
Promoting the elimination of obstacles to cross-border civil proceedings on SUCCESSION and wills						2 (PA 1)
Promoting the elimination of obstacles to cross-border civil proceedings on ENFORCEMENT of decisions						2 (PA 2)
Projects concerning Directive 2008/52/EC MEDIATION						5 4 (PA 1) 1 (PA 2)
Promoting the elimination of obstacles to cross-border civil proceedings on MATRIMONIAL regimes						1 (PA 1)
Projects concerning Council Directive 2003/8/EC LEGAL AID						1 (PA 1)
No priority areas	3	1	2		7	