



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

**Specific programme evaluation: Criminal Justice Support Programme**

**28 July 2015**

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

Specific programme evaluation: Criminal Justice Support Programme (JPEN)

## ANNEX 2

A report submitted by [ICF Consulting Services](#)  
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## Document Control

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## Annex 2 Analysis of complementarity with regard to objectives and thematic areas

At programme design phase, the JPEN programme developed from the former DG Justice, Freedom and Security (DG JLS) programme for Police and Judicial Cooperation in Criminal Matters (AGIS), which comprised judicial as well as law enforcement cooperation in the fight against organised crime. AGIS was later split into JPEN and ISEC (a DG Home programme). As a consequence, JPEN and ISEC cover similar themes (see above), but complementarity of the two programmes was sought by focussing the two programmes on different target groups: JPEN on the judiciary and ISEC on law enforcement. Scope for complementarity (but also risk of overlap) can still be identified between JPEN and ISEC, because both focus on criminal justice and cover similar themes, such as crime prevention<sup>1</sup> and protection and support of witnesses and protection of victims.

Similarly, complementarity between the JPEN and JCIV was explicitly envisaged in the JPEN funding decision which stipulated that JPEN and JCIV may share resources, “in order to implement actions meeting the objectives of both programmes”. Indeed the two programmes have shared the resource of the European e-Justice portal. They have ensured complementarity in their training activities (see section 3.1.4). JCIV – and also the FRC programme - partly share their overall aims with the JPEN programme, as all three aim to support the EU in creating a genuine area of justice, by fostering judicial cooperation and strengthening mutual knowledge and confidence in judicial systems between Member States. However, whereas JPEN focusses on criminal law, JCIV focusses on civil law and FRC on fundamental rights.

Indeed, the fact that the JPEN objectives were highly specific (see section **Error! Reference source not found.**) made it easier to avoid overlap with other DG Justice programmes (in terms of objectives). For example, while JPEN also partly shared objectives with the Daphne III and DPIP programmes since all three seek to improve the level of protection offered to victims in the EU, JPEN focussed on the rights of victims within the criminal justice system, and Daphne III and DPIP looked at the treatment and protection of victims more generally. Further, Daphne III and DPIP focussed on the prevention of victimisation of groups at-risk, while JPEN did not. As a result, overlap was avoided and complementarity enhanced.

In spite of being mentioned in the founding decision, there was limited scope for complementarity between JPEN and CIPS since the latter focussed on risk assessment of critical infrastructure and the proportion of shared operational measures among Member States to prevent, prepare for and protect people and critical infrastructure against terrorist attacks. Similarly, the evaluators have not found evidence of overlap in objectives / themes between JPEN and the SOLID funds.

The PROGRESS, European Social Fund (ESF) and LLP programmes also funded the training of the judiciary, but each also complement JPEN. For example, PROGRESS funded gender equality and anti-discrimination training of the judiciary (which none of the other Justice programmes do) and ESF funded national training only, whereas the added value of the JPEN-funded training was that it was always trans-national (as participants benefitted from learning about other Member States and from increased trans-national cooperation). The LLP funded through OGs the day-to-day running of the Academy of European Law (ERA), an organisation which also received JPEN funding for specific training programmes through AGs (16 in total). According to ERA, the LLP grant has been used to fund ERA on a continual basis, since the organisation was set up with the specific mandate to support the better implementation of EU law through training.<sup>2</sup> The JPEN co-funding therefore supports ERA to implement specific training programmes on criminal justice corresponding to the priorities identified in calls for proposals. The grants therefore have a different purpose and are complementary. While the

<sup>1</sup> Crime prevention is not mentioned in the founding decision but there were a few projects financed by JPEN with a focus on crime prevention (e.g. OG 2009/720; OG 2009/734; OG 2012/ 2413; 2013/4062; 2010 AG/1599).

<sup>2</sup> See Section 3 of ERA's statute available at: <https://www.era.int/> “The task of the Academy of European Law Trier shall be to enable individuals and authorities involved in the application and implementation of European law in Member States and in other European States interested in close co-operation with the European Union to gain a wider knowledge of European law, in particular European Union law and its application and to make possible a mutual and comprehensive exchange of experiences”.

European Police College (CEPOL) specialises in providing training and learning opportunities related to criminal justice, the scope of its training is limited to senior police officers.

One of DG Connect's objectives is to promote greater use of / better access to digital tools and services, particularly within the public sector. In this respect, DG Connect's objectives coincide with those of the JPEN programme to promote e-Justice<sup>3</sup>. Since DG Connect does not have its own programmes, but rather contributes part of its budget to the programmes of other DGs<sup>4</sup> there is little risk of overlap and, instead, it could be said that the JPEN programme contributes to the objectives of DG Connect and therefore complements its work. JPEN's objectives similarly cohere with those of Horizon 2020 to improve transnational cooperation in and the quality of research in the EU.<sup>5</sup> To the extent that the latter provides funding for broad thematic areas (security, society, social sciences, etc.) that could theoretically be covered by the more focussed JPEN programme there is a small risk of overlap, but this risk is almost entirely mitigated due to the fact that Horizon 2020 funds very large, multi-annual research projects whereas JPEN funds much smaller 12 or 18 month projects.

Eurojust is tasked to assist the competent authorities of EU Member States, when they deal with serious cross-border and organised crime, such as terrorism, trafficking in human beings, drugs and arms, the sexual exploitation of women and children, cybercrime, various kinds of fraud and money laundering. Eurojust facilitates mutual legal assistance and the execution of mutual recognition instruments such as the European Arrest Warrant. Improving and stimulating judicial cooperation and mutual legal assistance is one of the main goals of Eurojust which corresponds to the specific objective laid down in JPEN's founding decision "*to foster judicial cooperation in criminal matters aiming*". In this respect, there is significant scope for cooperation and synergies between Eurojust and JPEN.

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<sup>3</sup> E-Justice refers to the application of information and communication technologies (ICT) for judicial processes such as in-court translation and use of witnesses, and administrative procedures such as exchange of criminal records systems

<sup>4</sup> <http://ec.europa.eu/dgs/connect/en/what-we-do>

<sup>5</sup> Horizon 2020 is the biggest EU Research and Innovation programme ever with nearly €80 billion of funding available over 7 years (2014 to 2020).