

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

**Specific programme evaluation: Criminal Justice Support Programme (JPEN)**

**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)

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

[Milieu Ltd](#)

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## Document Control

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## Executive summary

This final evaluation of the **Criminal Justice Support Programme (JPEN)**, 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*

The evaluation aimed to assess the relevance, coherence and complementarity, effectiveness, sustainability, efficiency and scope for simplification and EU added value of the JPEN Programme. These main evaluation criteria are defined in the following way:

- **Relevance** – the extent to which the actions implemented under JPEN 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 JPEN is internally coherent and whether there is complementarity and overlap between JPEN 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 JPEN 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 333 action (AGs) and operating grants (OGs) funded by the programme; an online survey (97 respondents) and follow-up interviews (33 interviews) with grant beneficiaries; 4 interviews with Commission officials who were involved in the programme; as well as a review of programme documentation and other relevant EU policy documents.

### *Overview of JPEN*

JPEN was established by Council Decision 2007/126/JHA as part of the General Programme on Fundamental Rights and Justice<sup>1</sup>. The programme was implemented for seven years from 2007-2013. It is a continuation of the framework programme on police and judicial cooperation in criminal matters (AGIS) (2003-2007).

### *Objectives of the programme*

The JPEN Programme addressed one of the four objectives of the Programme on Fundamental Rights and Justice, i.e. the need to promote judicial cooperation and to create a genuine area of justice in criminal matters in accordance with the principles of mutual recognition. It was conceived also in order to establish a computerised system of exchange of information of criminal data.

The five general objectives of the JPEN Programme, as listed in Article 2 of the Decision, are:

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<sup>1</sup> COM(2005) 122 Communication from the Commission to the Council and the European Parliament establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice, (6 April 2005)

- To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence;
- To promote the compatibility of rules applicable in the Member States as may be necessary to improve judicial cooperation, promote a reduction in existing legal obstacles to the proper functioning of judicial cooperation in order to strengthen the coordination of investigations; and increase the compatibility of the existing judicial systems in the Member States with the European Union with a view to providing adequate follow-up to investigations carried out by law enforcement authorities of the Member States;
- To improve contacts, exchange of information and best practices between judicial and administrative authorities and the legal professions (lawyers and other professionals involved in the work of the judiciary), to foster the training of the members of the judiciary so as to enhance mutual trust;
- To improve further mutual trust with a view to ensuring protection of rights of victims and of the accused.

The specific objectives of the programme are to:

- Foster judicial cooperation;
- Improve mutual knowledge of Member States' legal and judicial systems in criminal 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 Union instruments in the areas of judicial cooperation in criminal matters;
- Improve information on legal systems in the Member States and access to justice;
- Promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary;
- Evaluate the general conditions necessary to develop mutual confidence;
- Develop and implement a computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.

### ***Target beneficiaries of the programme***

The programme was aimed at supporting the following target groups:<sup>2</sup> legal practitioners, representatives of victims' assistance services, other professionals involved in the work of the judiciary, national authorities and EU citizens in general.

### ***Funding mechanisms of the programme***

To achieve these objectives, the programme funded activities through three different types of financial instruments: 'action grants' (AGs), 'operating grants' (OGs) and procurement. AGs were awarded for specific transnational projects of interest to the whole of the EU, or for national projects preparing for or complementing transnational projects or Union measures, or contributing to developing innovative methods and/or technologies with a potential for transferability. OGs were awarded either to non-governmental organisations or other entities pursuing an aim of general European interest in the area of criminal justice or to the European Judicial Training Network (EJTN) specifically to co-finance expenditure associated with their permanent work programme of judicial training. The Commission also used JPEN funding to procure specific actions of importance to the Commission, including studies and research and the creation and implementation of specific IT projects to facilitate the exchange and dissemination of information. The 2010 annual work programme included specific action grants to co-finance European e-justice projects while, in 2012, a specific call for proposals was launched to finance the pilot project establishing a new line of funding for the European Judicial Training<sup>3</sup>.

The total planned budget for the JPEN Programme for the period January 2007 until December 2013 amounted to just over €172 million.<sup>4</sup> Most of the financial support within the JPEN Programme's

<sup>2</sup> These are listed in Article 5 of Council Decision 2007/126/JHA

<sup>3</sup> [http://ec.europa.eu/justice/newsroom/files/ejt\\_2012\\_en.pdf](http://ec.europa.eu/justice/newsroom/files/ejt_2012_en.pdf) JO

<sup>4</sup> As stated in the Terms of Reference to this evaluation.

budget was allocated to action grants (on average 64%). OGs to co-finance the annual work programme of non-governmental organisations and expenditure associated with the permanent work programme of the European Judicial Training Network represented 20% of the total programme budget. The remainder of the budget was allocated to public procurement contracts.<sup>5</sup>

### *Lead organisations and main activities in the programme*

The most common partners implementing JPEN AG-funded projects were national NGOs, including national platform and networks, universities and national authorities representing 19%, 16% and 15% respectively.<sup>6</sup>

The main types of activities addressed by the JPEN AG and OG projects. Most AG-funded projects focused on awareness-raising, information and dissemination activities (22%) and analytical activities (22%) followed very closely by mutual learning, exchange of good practices, cooperation (21%) and training activities (19%). The main activities implemented through OGs were: awareness-raising, information and dissemination activities (18%) and support to key actors (17%). These two activities were closely followed by mutual learning, exchange of good practices, cooperation (15%) and training activities (15%).<sup>7</sup>

Public procurement contracts focussed on three main activities: studies, the organisation of events and meetings and IT provision. Public procurement was also allocated to the maintenance of the e-Justice website. The procurement of services was also spent on the expert services in the framework of the cooperation and verification mechanism for Romania and Bulgaria.

## *Main findings and conclusions of the evaluation*

### *Relevance*

The evaluation findings show that JPEN's specific programme objectives and priorities were overall specific, attainable and realistic. The detail provided by the Commission in the calls for proposals ensured that the selected actions were relevant to JPEN's priorities. As the programme priorities were aligned with the programme objectives and EU policies on judicial cooperation in the field of criminal justice, especially during the second half of the programme, the funded actions targeted these objectives, too. JPEN's specific programme objectives and priorities, however, were not always measurable, nor (in most cases) time-bound and to ensure this in the future, the Commission could require grant applicants to set out specific judgement criteria, quantitative indicators and targets for their projects in their grant applications.

JPEN grants were relevant to the general programme objective of increasing judicial cooperation as well, as they were largely transnational and aimed at national authorities and the judiciary – the main stakeholders on which building mutual trust and judicial cooperation in the criminal justice area in the EU depends. JPEN-funded services further reflected both the programme and wider EU objectives, as they focussed mainly on the development of e-Justice tools (e.g. e-Justice portal) or impact assessments and other studies supporting the further development of legislation and policy establishing a common EU area of criminal justice.

Despite the positive assessment of the relevance of the programme, the evaluation finds that many JPEN beneficiaries might not have designed their projects on the basis of needs assessments, judging by the lack of sufficient evidence on this in the grant applications. This suggests that more relevant or useful approaches might have been implemented in order to achieve JPEN projects' objectives. Nevertheless, according to JPEN beneficiaries, the end beneficiaries of their projects perceived the actions as relevant to their needs; as many of the projects were 'self-serving' – i.e. the implementing actor (e.g. national authority, legal professionals, etc.) was also the main grant beneficiary, the reported information is likely to be accurate.

<sup>5</sup> The detailed planned and budgetary breakdown is further presented in Section 6.

<sup>6</sup> See Figure 3.11 'Criminal Justice partners by type of organisation' in Annex 1: Quantitative Analysis (sent separately).

<sup>7</sup> An overview of the proportion of expenditure on different activities funded through AGs and OGs is provided in section 6.



### ***Coherence and complementarity***

The JPEN programme was complementary with other EU programmes and interventions (i.e. Daphne III, FRC, LLP, FP7 and the Horizon 2020 Programme), though a few projects did risk overlap with the activities of these initiatives. Complementarity was achieved through mechanisms that the Commission put in place at the design stage of the programme and the calls for proposals.

At the project selection, monitoring and reporting stages of the programme cycle, the Commission applied no mechanisms to enhance complementarity, except for sharing resources (i.e. the e-Justice portal) with the JCIV programme.

### ***Effectiveness***

Overall, the JPEN-funded actions addressed the objectives of the programme, particularly with regard to the specific objectives of training the judiciary and promoting judicial cooperation in civil and criminal matters. A quarter of the JPEN budget was dedicated to training the judiciary and some 25,863 legal practitioners benefitted from this in the 2007-2013 period. Promoting judicial cooperation was a key focus of 947 partnerships – of which 826 cross-border partnerships – formed during the implementation of the programme. Evidence suggests that some of these partnerships led to sustainable judicial cooperation.

The JPEN programme also contributed to: reducing legal obstacles by promoting transnational partnerships and contacts, increasing mutual understanding of national legislation on civil and criminal justice matters and facilitating the implementation of EU legislation in the Member States, as well as enhancing information exchange and networking between national members of the judiciary. Programme funding was also used to maintain the e-Justice Portal, as well as to support organisations working towards safeguarding the rights of victims and accused persons across the Union.

At project level, policy-makers were actively involved in the design stage, through briefings or (steering board) meetings of some JPEN projects and as a result made use of project outputs to shape new or amend existing policy and/ or legislation. With regard to the extent to which project outputs were achieved, two-thirds of all projects reported having achieved their outputs as initially planned.

### ***Sustainability***

Over half of the JPEN projects demonstrated some evidence of sustainability due to continuation of the projects themselves, specific project activities, the partnerships (in part or in full), or the use of project outputs and results in the future. More than 30% of JPEN projects managed to identify further funding to continue their activities. In general, however, grant beneficiaries struggled to demonstrate sustainability of their projects in final reporting, as there was only two months between project closure and the reporting deadline, which is not sufficient to trace sustainability.

With regard to dissemination, the Commission's efforts to disseminate the results of JPEN projects were limited in general, except in relation to the dissemination of training materials, some of which were published on the e-Justice website. Assessing the effectiveness of grant beneficiaries' dissemination activities was difficult without consulting the target groups, but the fact that activities were effective at attracting the attention of policy-makers and increasing contacts between authorities in different Member States suggests that dissemination was at least somewhat effective.

### ***Efficiency and scope for simplification***

The evaluation findings suggest that JPEN funding was sufficient to achieve the objectives of the programme, which were realistic. With the available budget, the programme made a strong contribution to the European area of justice and complemented other EU actions and tools. It achieved positive outcomes and impacts in relation to judicial cooperation, improving knowledge and skills of legal practitioners and leading to mutual learning and understanding. Grant beneficiaries also reported that overall the grants enabled them to realise their objectives and to make a difference in the area of civil and administrative justice. Whilst the resources and funding tools were used efficiently overall, some improvements (e.g. monitoring) could be made considering the average underspending per project and price differentials between AGs.



The Commission's management of the programme became more efficient over time with the introduction of a single unit for grant management within DG Justice, the publication of a handbook for Commission officials and, indirectly, through the dissemination of a project management guide with the 2011 call. The level of detail required in the application forms increased from the 2010 call onwards like in other programmes, which benefited both the Commission (in terms of quality and usefulness of the reports) and the applicants (allowing them to plan and estimate their activities more accurately). The 2011-2012 call further introduced new requirements for final reporting, asking for a detailed description of project achievements by work streams and introducing new sections. Although the new reporting requirements created a more balanced approach between financial justification on the one hand and evaluation/ assessment of actual results and potential impacts of projects on the other hand, grant beneficiaries still considered the requirements to be burdensome suggesting that further guidance was needed.

### *EU added value*

Likewise to other DG Justice programmes, the EU nature of JPEN – represented through a strong transnational dimension and the involvement of all Member States in the programme – proved to have brought added value at EU level. All Member States but Croatia participated in JPEN either as a lead or partner organisation. Both JPEN grants and procurement contributed to achieving the EU's objectives in the field of implementing policies and legislation in civil and criminal justice matters.

For grant beneficiaries, the EU added value of the programme lied in the provision of access to funding to support them in implementing their obligations under EU law. It was appropriate that the EU incentivised and facilitated the implementation of these obligations – and the achievement of EU objectives – through this fund. Grant beneficiaries also gained a lot of value from the transnational nature of the programme.

# 1 Introduction

The present report constitutes the specific programme evaluation of the Criminal Justice Programme (hereinafter JPEN) which was implemented between 2007 and 2013. The report is organised by the main evaluation criteria (and corresponding questions). These include relevance, coherence and complementarity, effectiveness, impact and sustainability, efficiency and European added value.

## 1.1 Methodology and sources of information

This final evaluation of the JPEN Programme has been developed on the basis of the following information:

- An extensive review of the available documentation for 282 Action Grants (AGs) and 51 Operating Grants (OGs) which were funded by the Criminal Justice programme 2007-2013;
- A review of programme documentation, such as the founding Decision, annual work programmes and call 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, etc.;
- A quantitative analysis of 333 JPEN projects (AGs and OGs);
- An analysis of 97 responses to the online survey from grant beneficiaries;
- The write-ups of 33 follow-up interviews with coordinators of projects/ organisations receiving JPEN 2007-2013 grants who also responded to the online survey; and
- Interviews with Commission officials involved in the Programme.

## 1.2 Introduction to the JPEN programme

### 1.2.1 Overview and intervention logic

The Criminal Justice Support Programme (JPEN) was established under the Council Decision No 2007/126/JHA on February 2007 as part of the General Programme on Fundamental Rights and Justice<sup>8</sup>. The programme was implemented for seven years from 2007-2013. It is a continuation of the framework programme on police and judicial cooperation in criminal matters (AGIS) (2003-2007).

The JPEN Programme addressed one of the four objectives of the Programme on Fundamental Rights and Justice, i.e. the need to promote judicial cooperation and to create a genuine area of justice in criminal matters in accordance with the principles of mutual recognition. It was conceived also in order to establish a computerised system of exchange of information of criminal data.

The five general objectives of the JPEN Programme, as listed in Article 2 of the Decision, are:

- To promote judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence;
- To promote the compatibility of rules applicable in the Member States as may be necessary to improve judicial cooperation, promote a reduction in existing legal obstacles to the proper functioning of judicial cooperation in order to strengthen the coordination of investigations; and increase the compatibility of the existing judicial systems in the Member States with the European Union with a view to providing adequate follow-up to investigations carried out by law enforcement authorities of the Member States;
- To improve contacts, exchange of information and best practices between judicial and administrative authorities and the legal professions (lawyers and other professionals)

<sup>8</sup> COM(2005) 122 Communication from the Commission to the Council and the European Parliament establishing for the period 2007-2013 a framework programme on Fundamental Rights and Justice, (6 April 2005)

- involved in the work of the judiciary), to foster the training of the members of the judiciary so as to enhance mutual trust;
- To improve further mutual trust with a view to ensuring protection of rights of victims and of the accused.

The specific objectives are listed in Table 2.1 in section 2.1.

To achieve these objectives, the programme funded activities through three different types of financial instruments: 'action grants' (AGs), 'operating grants' (OGs) and procurement. AGs were awarded for specific transnational projects of interest to the whole of the EU, or for national projects preparing for or complementing transnational projects or Union measures, or contributing to developing innovative methods and/or technologies with a potential for transferability. OGs were awarded either to non-governmental organisations or other entities pursuing an aim of general European interest in the area of criminal justice or to the European Judicial Training Network (EJTN) specifically to co-finance expenditure associated with their permanent work programme of judicial training. The Commission also used JPEN funding to procure specific actions of importance to the Commission, including studies and research and the creation and implementation of specific IT projects to facilitate the exchange and dissemination of information. The 2010 annual work programme included specific action grants to co-finance European e-justice projects while, in 2012, a specific call for proposals was launched to finance the pilot project establishing a new line of funding for the European Judicial Training<sup>9</sup>.

The programme was aimed at supporting the following target groups:<sup>10</sup> legal practitioners, representatives of victims' assistance services, other professionals involved in the work of the judiciary, national authorities and EU citizens in general.

The total planned budget for the JPEN Programme for the period January 2007 until December 2013 amounted to 196 million euro. Most of the financial support within the JPEN Programme's budget was allocated to action grants (64%). OGs to co-finance the annual work programme of non-governmental organisations and expenditure associated with the permanent work programme of the European Judicial Training Network represented 20% of the total programme budget. The remainder of the budget was allocated to public procurement contracts<sup>11</sup>.

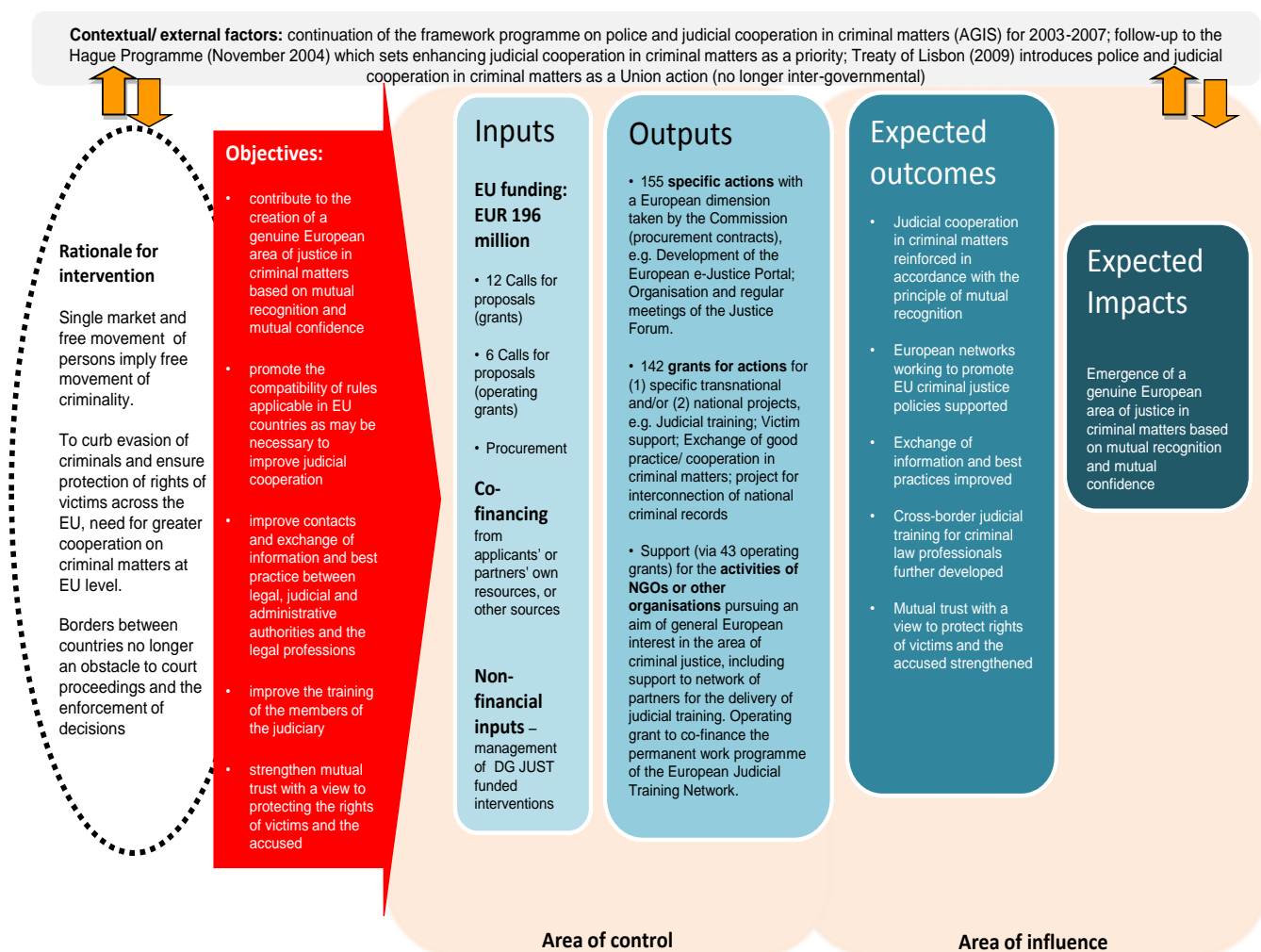
The intervention logic of the JPEN is illustrated in Figure 1.1 below

<sup>9</sup> [http://ec.europa.eu/justice/newsroom/files/ejt\\_2012\\_en.pdf](http://ec.europa.eu/justice/newsroom/files/ejt_2012_en.pdf) JO

<sup>10</sup> These are listed in Article 5 of Council Decision 2007/126/JHA

<sup>11</sup> The detailed planned and budgetary breakdown is further presented in Section 6.

**Figure 1.1 Intervention Logic**



### 1.2.2 Key characteristics

As described above, the JPEN Programme funding was made available through action grants (AGs) and operating grants (OGs), framework partnership agreements and public procurement contracts. Table 1.1 summarises the number of different actions funded each year of the programme implementation period. Call for proposals for AGs and OGs were split across years in 2011 and 2012.

**Table 1.1 Number of actions funded per year<sup>12</sup>**

	2007	2008	2009	2010	2011	2012	2012	2013	TOTAL
<b>Action grants (AG)</b>	36	24	27	41	51	-	49	228	
<b>Specific action grants (AG)</b>	20	17	7	8	-	4	-	56	
<b>Operating grants (OG)</b>	5	7	13	8	-	10	7	50	
<b>TOTAL</b>	<b>61</b>	<b>48</b>	<b>47</b>	<b>57</b>	<b>51</b>	<b>14</b>	<b>56</b>	<b>334</b>	

**Note:** the table differs from the number of projects analysed for the purpose of this evaluation since documentation was not available for all projects.

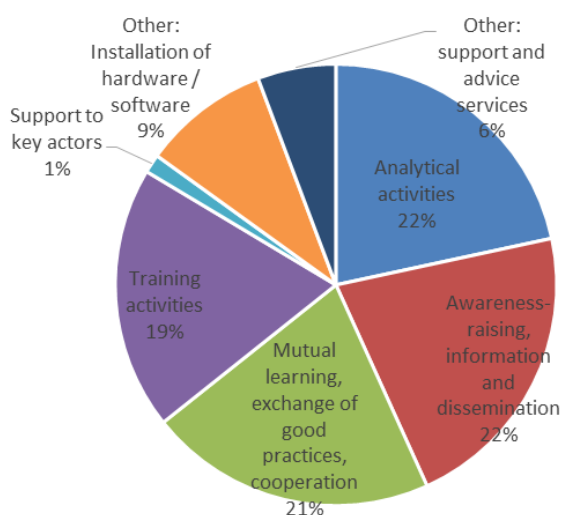
<sup>12</sup> The JPEN programme also included a specific call for proposals for Framework Partners in 2007 but no information was provided on the number of projects awarded within this call neither was information provided on the number of exchange programmes.

JPEN projects were primarily led by national authorities, such as ministries of justice/interior (22% of all lead organisations). The second most common lead organisation were national NGOs/platforms/networks (18%) followed by European networks/platforms/forums (17%) and other education/training institutes (10%)<sup>13</sup>. This is consistent with what is stated in the founding decision on which organisations have access to the programme.<sup>14</sup>

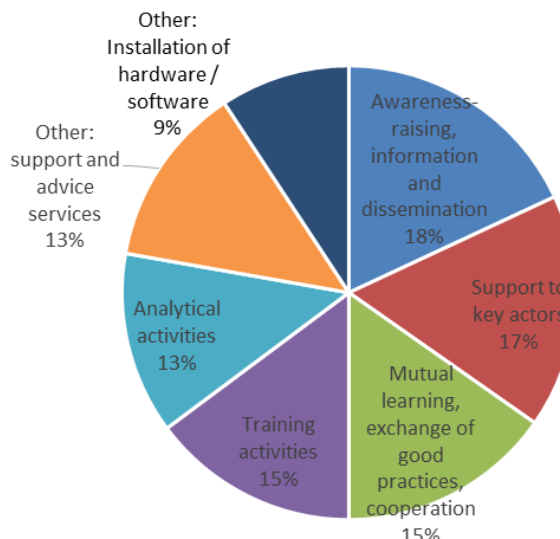
AGs were awarded to organisations working in partnership together. The composition of the partnerships shows that the most common partners were national NGOs, including national platform and networks, universities and national authorities representing 19%, 16% and 15% respectively<sup>15</sup>. The composition of partnerships is not specifically mentioned in the founding decision.

Figure 1.2 and Figure 1.3 below illustrate the main types of activities addressed by the JPEN AG and OG projects. Most AG-funded projects focused on awareness-raising, information and dissemination activities (22%) and analytical activities (22%) followed very closely by mutual learning, exchange of good practices, cooperation (21%) and training activities (19%). The main activities implemented through OGs were: awareness-raising, information and dissemination activities (18%) and support to key actors (17%). These two activities were closely followed by mutual learning, exchange of good practices, cooperation (15%) and training activities (15%).<sup>16</sup>

**Figure 1.2 JPEN AG projects by main activity**



**Figure 1.3 JPEN OG projects by main activity**



Public procurement contracts focussed on three main activities: studies, the organisation of events and meetings and IT provision. Public procurement was also allocated to the maintenance of the e-Justice website. The procurement of services was also spent on the expert services in the framework of the cooperation and verification mechanism for Romania and Bulgaria.

<sup>13</sup> See Figure 3.9 'Criminal Justice lead organisations by type of organisation' in Annex 1: Quantitative Analysis (sent separately).

<sup>14</sup> Article 6 of Council Decision 2V

<sup>15</sup> See Figure 3.11 'Criminal Justice partners by type of organisation' in Annex 1: Quantitative Analysis (sent separately).

<sup>16</sup> An overview of the proportion of expenditure on different activities funded through AGs and OGs is provided in section 6.

## 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 the target audiences.

An analysis of the programme objectives and priorities finds that these were largely specific, attainable and realistic, but that they were not measurable nor (in most cases) time-bound. That the Commission increasingly provided detail in their calls for proposals as to their expectations for funded projects (in relation to different priorities) is considered good practice in ensuring that selected actions were relevant. That the Commission aligned the goals of most of the priority areas to EU objectives and policies, particularly in the last half of the programme, is also highly positive. For future reference, to ensure that priorities and specific objectives are measurable, the Commission could require that grant applicants state judgement criteria, quantitative indicators and targets for their projects in the grant application.

Because the priority areas followed the programme objectives and EU policy objectives so closely, it was easy for the selected actions to target these objectives too. The grants were also relevant to the general programme objective of increasing judicial cooperation, because they were largely transnational and issued to national authorities and the judiciary, who are the main stakeholders which to achieve the programme objectives of building mutual trust and judicial cooperation. Services procured using JPEN funding were also very relevant to the programme and wider EU objectives, as they focussed mainly on the development of e-Justice tools (especially the e-Justice portal and its modules) or on impact assessments and other studies to support the further development of legislation and policy establishing a common EU area of criminal justice.

An analysis of grant application forms and information collected through consultation with grant beneficiaries shows that many grant beneficiaries either did not design their projects on the basis of a needs assessment or did not sufficiently evidence their assessment of needs in the grant application form. This creates a risk that more relevant or useful approaches to the project objectives might have been available. In spite of this, reporting by grant beneficiaries suggests that end beneficiaries responded positively to the projects indicating that they considered the actions relevant. It is, however, not possible to corroborate this without gathering the independent views of end beneficiaries.

### 2.1 Relevance of the priorities and funded actions

*Do the priorities of the calls and the selected actions meet the objectives of the programme as defined in the legal base?*

#### 2.1.1 Analysis of the objectives and priorities of the programme

##### *General and specific objectives*

As with the other Justice Programmes, the Criminal Justice (JPEN) programme had general objectives, which can be considered to express the expected or desired impacts of the programme, and specific objectives, which relate more to the expected outcomes of the programme. In the case of JPEN, the general objectives are also quite specific to the extent that they mention more immediate outcomes and are worded in a similar way to the specific objectives.

Indeed, there is demonstrable alignment between almost all of the general objectives and the specific objectives. As shown in Table 2.1, the first four general objectives have corresponding specific objectives: general objective (1) and specific objective (a) are almost identical, as are general objective (3) and specific objective (b). However, given that the purpose of specific objectives is to further define and delimit the scope of the general objectives, it is not so helpful to have specific objectives which match the general ones almost exactly. Specific objectives (f), (g), (c), and (d) are good examples of specific objectives to the extent that they identify means by which the general objectives could be

achieved. Specific objective (e) is rather vague because it is not clear what “promote” refers to (i.e. whether it refers to the funding of training directly, or the funding of activities to raise awareness about / encourage take up of training). Retaining vagueness in programme objectives can render it challenging to assess – ex post - whether objectives have been achieved or not. While priority-setting (see below) provides some opportunity to further define the programme objectives for each call, ideally the objectives should also be *specific*.

An assessment of the specific objectives according to SMART criteria,<sup>17</sup> finds that while objectives (b), (c), (d), (f) and (g) are sufficiently specific (i.e. they target delimited areas of JPEN activity), objectives (a) and (e) could be much more specific. Each specific objective is attainable and realistic (i.e. it is likely that the types of activities funded through JPEN would be able to reach these objectives with the funding that was available through grants and procurement for the programme duration), but neither measurable nor time-specific. That is, it is not clear from these objectives what *level* of judicial cooperation (or form) should be achieved through the programme, nor by when this should be achieved. This can make it challenging to draw conclusions about the *extent* of programme achievements (see section 4) and thus the cost-effectiveness (section 5).

General objective (5) does not easily align with any of the specific objectives, although objectives (f), (b), and (e) might feasibly contribute to this objective; still, it would have been better for the legislator to have developed one or two specific objectives particularly relating to this general objective, in order to better direct the programme towards this objective. In the end, a priority area relating to this general objective was introduced into each of the calls for both AGs and OGs, so – in practice - the lack of a ‘dedicated’ specific objective did not prevent the programme from addressing this objective.

**Table 2.1 Alignment between the general and specific objectives of the JPEN 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 criminal matters based on mutual recognition and mutual confidence.	(a) Foster judicial cooperation
	(f) Evaluate the general conditions necessary to develop mutual confidence
	(g) Develop and implement a computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information.
2) To promote the compatibility in rules applicable in the Member States / promote a reduction in existing legal obstacles.	(c) Ensure the sound implementation, the correct and concrete application and the evaluation of Union instruments in the areas of judicial cooperation in criminal matters
	(d) improve information on legal systems in the Member States and access to justice
3) Improve the contacts and exchange of information and best practices between legal, judicial and administrative authorities and the legal professions: lawyers and other professionals involved in the work of the judiciary.	(b) Improve mutual knowledge of Member States' legal and judicial systems in criminal matters and to promote and strengthen networking, mutual cooperation, exchange and dissemination of information, experience and best practices.
4) Foster training of the judiciary.	(e) Promote training in Union and Community law for the judiciary, lawyers and other professionals involved in the work of the judiciary.
5) Further improve mutual trust with the view to ensuring protection of rights of victims and of the accused.	<i>No specific objective aligning with this general objective, although several of the specific objectives would help with attaining this objective.</i>

<sup>17</sup> I.e. according to whether the objectives are specific, measurable, attainable, realistic, time-related.



### Priority areas

The priority areas for both AGs and OGs followed the specific and general objectives very closely, sometimes literally repeating the language of the objectives.<sup>18</sup> To further specify them in the calls for proposals, the broadly-worded priorities were further described and effectively split into 'sub-priorities' e.g. the priority "judicial training (transnational projects)" in the 2008 call for AG proposals, which closely follows specific objective (e), was split into the 'sub-priorities' "training in EU legal instruments and policies", "language training" and "developing a European judicial culture". This further specification of the priority areas in each call allowed the Commission to achieve the kind of specificity which it could not have achieved through (most of) the specific objectives. It also enabled the Commission to make the calls more responsive to changing needs – e.g. in 2009, in response to the introduction of the EU e-Justice Strategy and Action Plan,<sup>19</sup> the "e-Justice" priority area was introduced; similarly, in 2011, a priority on procedural rights was introduced in response to the development and implementation of the Procedural Rights Roadmap (see section 2.2). Later, when legislation and policy was introduced in relation to victim support<sup>20</sup> and judicial training<sup>21</sup>, the priority areas were made more specific to these policies.<sup>22</sup>

The "e-Justice" priority area is a good example of a SMART priority, because the calls require that successful projects focussing on this priority are specific (i.e. they should align with EU policy in this area), measurable (they should ideally be designed with a target goal of being integrated into the e-Justice Portal), attainable and realistic (projects are required to "demonstrate how they contribute to the improvement of technical, organisational and semantic interoperability at European level") and time-related, as the priority is clearly linked to the time-bound implementation of the 2009-2013 Action Plan. Similarly, the "criminal records" priority area was SMART to the extent that it had the clear, time-bound aim of establishing the ECRIS throughout the EU.

Overall, the priority areas became 'SMARTer' from 2010 onwards, with the calls for proposals (or annual work programmes) providing more information about what was expected from projects focusing on these areas (e.g. what training programmes would be expected to achieve). This was a positive development, as up to 2010 the priority areas had been largely non-specific (except in the case of "criminal records" and "e-Justice"). Nonetheless, the priority areas remain in the most part difficult to measure, because it is not clear from the description of the priorities how the Commission will assess whether victims have been supported, judiciary trained, and procedural rights improved nor the targets the Commission would like to achieve and by when. The advantage of not having detailed targets is greater freedom to the grant beneficiaries and greater programme flexibility. However, to counter this, it would have been beneficial for the Commission to require grant applicants to set out their own targets for training, numbers of victims supported, quality of services provided, etc., which was not a requirement of the JPEN application process.<sup>23</sup>

#### 2.1.2 Relevance of the funded actions to the objectives of the programme

The general and specific objectives of the programme were outlined in Table 2.1. Relevance to these objectives, as well as to wider EU policy priorities was a key criterion for selection in every AG and OG call and an assessment of the operational objectives of the AG and OG grant beneficiaries shows that there was alignment between the operational objectives of the projects and the objectives of the programme. Further, an analysis of the 282 AGs and 51

<sup>18</sup> For example, from 2007 to 2010, the annual priority "Studies and concrete projects to improve judicial cooperation, mutual knowledge and exchanges of best practices in the field of criminal justice" is almost exactly the same as the specific objective, "Improve mutual knowledge, networking, exchange & dissemination of best practice". Table A.2.1 in Annex 1 illustrates the alignment between the priorities and the seven specific objectives, as well as the fifth general objective which does not have an equivalent specific objective.

<sup>19</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014XG0614\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52014XG0614(01))

<sup>20</sup> Directive 2012/29/EU: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF>

<sup>21</sup> COM(2011)551 "Building trust in EU-wide justice – a new dimension to European judicial training" - [http://ec.europa.eu/justice/criminal/files/2011-551-judicial-training\\_en.pdf](http://ec.europa.eu/justice/criminal/files/2011-551-judicial-training_en.pdf)

<sup>22</sup> See e.g. the 2013 call for action grant proposals.

<sup>23</sup> Based on a review of the requirements of AG and OG application forms 2007-2013.

OGs for which documentation was available demonstrates that all the AG-funded actions and most of the OG-funded actions clearly aligned to the *priorities* of the programme.

The kinds of activities covered in the programme were also highly relevant to the programme objectives and in line with Article 4 on the eligible actions of the Council Decision 2007/126/JHA on JPEN. A large number of actions selected for grants or tender 2007 to 2013 fell into the following categories:

- *Training activities* – mainly of the judiciary or of legal practitioners;
- *Mutual learning / exchanges* between authorities / organisations in Member States (e.g. through symposia and seminars);
- *Development and/or installation of hardware / software* to facilitate judicial proceedings and access to information about justice at EU and/or national level (e-Justice);
- *Support and advice services* (including information and advice websites).

These activities were the most *directly* linked to the programme's specific objectives, since some of these objectives<sup>24</sup> were highly output-oriented.

The two other main activities of the programme - good practice dissemination and studies / research (analytical activities) were also relevant. Good practice dissemination had the purpose of supporting mutual learning, and studies / research were relevant to the following specific objectives:

- 'Ensuring the sound implementation of EU law', since quite a number of studies assessed the application of EU law in Member States or mapped national legislative frameworks in order to assess compatibility with EU legislation,
- 'Fostering judicial cooperation', since studies also researched methods for implementing different forms of justice (e.g. restorative justice or alternatives to detention) and/or analysed obstacles to justice in the EU.

Some studies were also relevant to the specific objective, '*evaluate the general conditions necessary to develop mutual confidence*', as these included assessments of obstacles to the implementation of EU law and mutual confidence. Another project relevant to this specific objective was the setting up of the 'Legal Experts Advisory Panel' (LEAP) which would meet twice a year to discuss obstacles to the judicial cooperation / mutual confidence in the EU and recommend ways to improve this.

Awareness-raising activities were not the main focus of any of the projects and were usually included as a secondary activity (e.g. project dissemination) to either training, mutual learning activities and/or research.

The activities co-financed by the JPEN were open to legal practitioners, ministry officials, professional organisations, universities, research institutes, legal and judicial training/further training institutes and NGOs.<sup>25</sup> As shown in section 1.2.2, the majority of action grants went to national authorities, mainly consisting of ministries of justice / interior. It is relevant that so many national authorities participated in the programme, as by engaging them, the programme was more likely to have a sustainable impact on building mutual trust, since these are the actors responsible for criminal justice policy and practice and for cooperating with their counterparts in other Member States. By bringing these actors together, the programme was better able to create a basis for mutual trust between Member States.

A large number of NGOs/national platforms and European platforms also received both operating and action grants. These organisations all focussed on ensuring fair trials and access to justice and/or victim support and were therefore relevant. Universities implemented different types of projects; not only studies, but also training and seminars. A large number of the projects implemented by universities looked at restorative justice, the

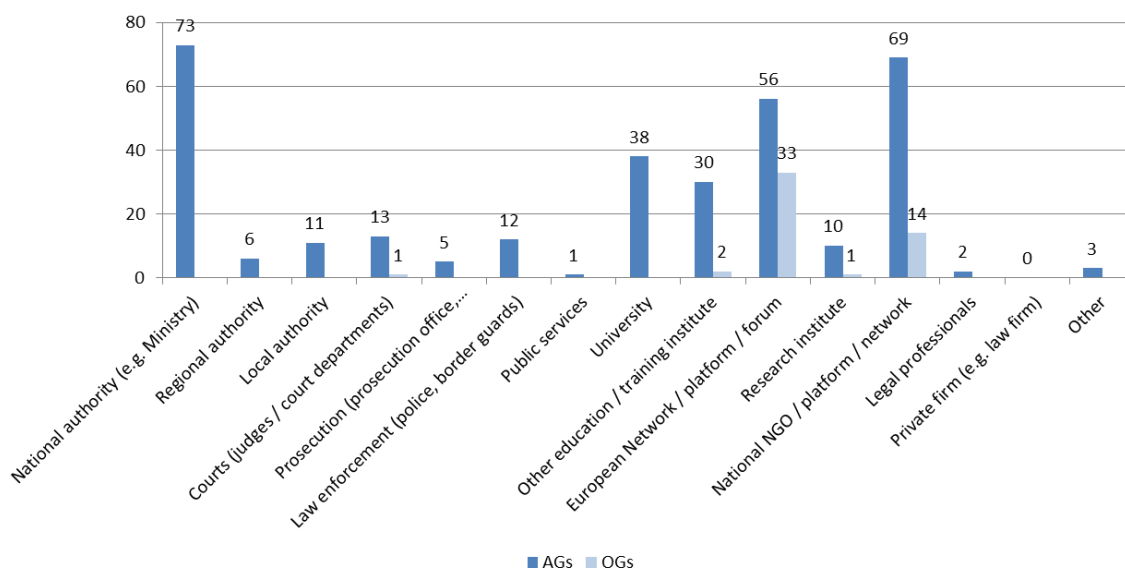
<sup>24</sup> To: (e) Foster /promote training of the judiciary; (g) Develop and implement a computerised system of exchange of information on criminal records and to support studies to develop other types of exchange of information; (b) Improve mutual knowledge of Member States' legal and judicial systems in criminal matters; and (d) Improve information on legal systems in the Member States and access to justice.

<sup>25</sup> See Article 6 of Council Decision 2007/126/JHA

application of EU law in Member States. Universities (ten universities in total, as well as one NGO, one national authority and one training institute) were the main stakeholder that set up and implemented tools (and training) to support interpretation in courts.

Further, the JPEN programme awarded grants to many of the key organisations involved in promoting a common European area of justice. For example grants went to major European networks and NGOs working in the field of training (e.g. EJTN), probation (the Confederation of European Probation - CEP), legal rights (Advice on Individual Rights in Europe or AIRE), victim support (Victim Support Europe – VSE), protection of suspects and defendants (Fair Trials) and restorative justice (European Forum for Restorative Justice - EFRJ).

**Figure 2.1 Lead organisations receiving AGs and OGs by type of actor**



As the JPEN programme focussed on improving judicial cooperation and mutual trust (and aimed to support the creation of an EU-wide judicial area), it was also crucial that the programme involved partners and end beneficiaries from different EU Member States. Figure 7.1 in section 7.2 shows that all Member States led at least one AG-funded project under JPEN. However, there are major differences in the number of grants received and the proportion of funding received (see section 7.2).

The JPEN programme also included national actions (as well as transnational ones). In itself, the funding of national projects was not compatible with the objectives of the JPEN programme which sought to build cooperation between Member States, also through joint projects. However, such national projects were only allowed where these “prepar(ed) transnational projects and/or Union actions (starter measures), complement(ed) transnational projects and/or Union actions (complementary measures), or contribut(ed) to developing innovative methods and/or technologies with a potential for transferability to actions at Union level” (see Article 6(e) of the legal base). In this respect, they remained relevant actions to the programme.

A total of 40 out of 282 action grants were implemented at national level.<sup>26</sup> A total of 33 of these focussed on the setting up of criminal records systems that would be compatible with ECRIS. Of the remaining seven, three were projects which aimed to innovate new ways of dealing with EU issues (i.e. permanent support structure for judges working with the European Arrest Warrants (EAW), new methods for interpreting of EU convictions and offences and a suicide prevention system for prison facilities) and the remaining four were studies mapping the application of EU legislation or training. In addition, the outputs of these

<sup>26</sup> The number identified represents those projects implemented by national actors (i.e. not by European platforms), who did not have any partners.

seven projects were disseminated across the EU (i.e. in different Member States) and were of clear EU value, hence their relevance to the objectives of the programme remain (see section 7.3.1).

## 2.2 Relevance of the priorities and selected actions to policy initiatives and policy developments

*Are the priorities of the calls and the selected actions relevant for the policy initiatives (action plans, legislation, etc.) and do they adequately support policy developments in the EU? Which priorities should be maintained / discontinued during the following financial perspective and why*

### 2.2.1 Main developments in the area of criminal justice 2007-2013

The main objective of the EU in the policy area covered by JPEN is to build a “European criminal justice area”. Specifically, the main aims of EU policy in this area 2007-2013 were:<sup>27</sup>

- Creation of a “common European area of justice where national law enforcers and judiciaries can trust and rely on each other”;
- Increasing citizens' confidence in the fairness of proceedings, particularly in the protection of their rights when they are in a court in another country, and if they fall victim to a crime;
- Facilitating Member State mutual recognition of judicial decisions; and,
- Setting common minimum standards as regards the right to a fair trial and the rights of crime victims in order to increase trust between Member States.

The main legislative instruments in place and introduced during this time comprised instruments that provided for the *mutual recognition of Member State judicial decisions*<sup>28</sup>; instruments that provided for *alternatives to detention*<sup>29</sup>; instruments that support *judicial cooperation in the provision of evidence* to other Member States<sup>30</sup> a; instruments introducing provisions on *procedural rights*<sup>31</sup>; and instruments to *support victims and to ensure their rights*.<sup>32</sup>

At the same time, the EU implemented and promoted different practical instruments with a view to improving judicial cooperation and the mutual recognition of decisions, and increasing citizens' access to justice. These included:

- *The European e-Justice tool* – an information website targeting citizens, businesses, legal practitioners and the judiciary and gathering information on rights, services available and tools meeting their different needs.
- *European Criminal Records Information System (ECRIS)* - established in April 2012 to achieve an efficient exchange of information on criminal convictions between EU countries.

<sup>27</sup> [http://ec.europa.eu/justice/criminal/index\\_en.htm](http://ec.europa.eu/justice/criminal/index_en.htm)

<sup>28</sup> Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States; Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties; Council Framework Decision 2008/947 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions; Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition for judgments imposing custodial sentences or measures involving deprivation of liberty.

<sup>29</sup> Council Framework Decision 2009/829/JHA on alternative sanctions and on supervision measures as an alternative to provisional detention

<sup>30</sup> Council Framework Decision 2003/577/JHA on the execution in the European Union of orders freezing property or evidence; Council Framework Decision 2008/978/JHA on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters

<sup>31</sup> Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings

Directive 2012/13/EU on the right to information in criminal proceedings

Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty

<sup>32</sup> Council Directive 2004/80/EC relating to compensation to crime victims, Directive 2011/99/EU on the European protection order and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

- The *European Judicial Network (EJN)*, which promotes judicial cooperation in criminal matters between EU countries, namely through facilitating direct contacts between judicial authorities.
- *Judicial training*, recognised by DG Justice as a “key tool to ensure the coherent application of EU legislation across the European Union and smooth cross-border judicial proceedings”<sup>33</sup>.

In 2013, the Council of the EU also proposed a Regulation on the establishment of the European Public Prosecutor's Office, which would have the authority to investigate and prosecute EU-fraud and other crimes affecting the Union's financial interests.

## 2.2.2 The relevance of the priorities of the calls for policy initiatives (action plans, legislation etc.) and policy developments

The priorities set by DG Justice reflect the evolution of EU policy on criminal justice. As noted in section 2.1.1, some of the priority areas (e-Justice, procedural rights and criminal records, as well as judicial training) clearly responded to and aligned with EU policy. The priority on detention introduced in 2012 was less clearly linked to a policy initiative, but was likely introduced to support the ongoing evaluation of the 2008/09 Framework Decisions on the mutual recognition of judicial decisions on custodial sentences or measures involving deprivation of liberty, on probation decisions and alternative sanctions and on supervision measures as an alternative to provisional detention, which was published in 2014.

As discussed in section 2.1.1, from 2010, the priorities, as outlined in the calls for proposals and work programmes, became ‘SMARTer’ to the extent that they were more specific with regard to the expected content of the projects that would be addressing the priority. They also became more responsive to policy and legislation, as also noted in section 2.1.1. These improvements appear to have been the result of institutional changes to the Commission arising after the entry into force of the Lisbon Treaty, which saw greater powers being granted to the European Commission in the area of justice and home affairs. In addition, in 2010, DG JLS split into DGs Home and Justice (with JPEN falling under the new DG Justice) with greater responsibility being given to both Directorates. DG Justice set up a task force to assess how programmes now falling within DG Justice's remit could best be managed to make them as policy-relevant as possible. As a result of these organisational developments within (the new) DG Justice, the programming and policy units of the Directorate began to work together to see how the programme might be used to support policymaking.

## 2.2.3 The relevance of the selected actions to EU policy / legislative developments

As discussed in sections 2.1.2 and 2.2.1, the actions funded through AGs and OGs were mainly aimed at supporting the implementation of *existing* legislation. As a result, very few of the projects produced outputs with the objective to support the development of *new* legislation. Sixteen out of the 333 grants mapped produced policy recommendations as part of their outputs. Almost all the organisations producing these outputs were key European platforms or NGOs that have a leading role in the monitoring of specific aspects of criminal justice in the EU, namely the Confederation of European Probation (CEP), Council of Bars and Law Societies of Europe (CCBE), European Organisation of Prison and Correctional Services (EuroPris), Fair Trials International (FTI), the International Juvenile Justice Observatory and Victim Support Europe. In addition, the Irish Council for Civil Liberties (an Irish watchdog which led four separate grants) produced policy recommendations on procedural rights. To the extent that these are networks and have an overview of the EU, as well as having well-established expertise in these areas, it makes them competent to provide policy recommendations.

Selected actions also indirectly supported new policy development to the extent that they facilitated the exchange of ideas and discussion of obstacles to justice / cooperation in the

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<sup>33</sup> COM(2011)551

EU between ministries of justice and members of the judiciary / legal professionals in the EU. Some of the selected actions also included evaluations of the effectiveness of existing laws and recommending ways in which these could be improved. Further, as discussed in section 4.1.6, EU policymakers showed interest in the outputs and policy recommendations of some studies (e.g. one on victim support services and another focussing on hate crime).

Actions which supported the *implementation* of EU legislation and – in this respect – supported legislative development included: (a) those that analysed obstacles to implementation and provided recommendations for addressing this, (b) those that trained the judiciary and legal professionals in the application of EU law, as well as (c) those that established services, such as the e-justice portal that informed citizens and other stakeholders of the details of EU law, policy and practice (including tools and services) in the area of criminal justice.

The services procured using JPEN funding were also relevant to the programme and wider EU objectives, as they mainly comprised contracts for the development of e-Justice tools (especially the e-Justice portal and its modules) or on impact assessments and other studies to support the further development of legislation and policy establishing a common EU area of criminal justice. Indeed, while actions funded through grants tended to support the *implementation* of EU policy and legislation, procurement contracts were used specifically to support legislative *development* (through impact assessments and studies).

## 2.3 Extent to which the priorities and the selected actions met the needs of the target group

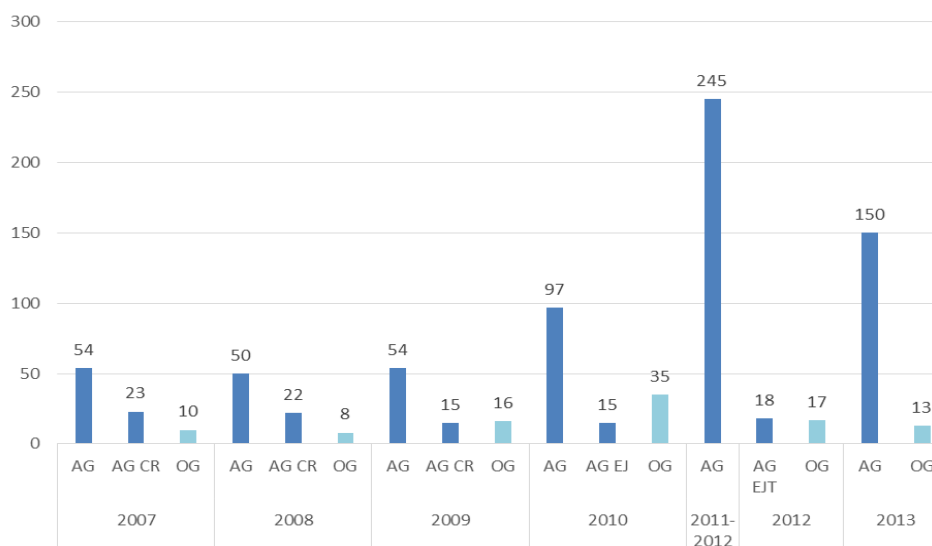
*Do the priorities of the calls and the selected actions address the needs of their target groups?*

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 found the programme relevant to their project objectives; (ii) the extent to which projects funded were based on needs assessments; and (iii) the extent to which the projects were found to be relevant by end beneficiaries. Grant beneficiaries report that they requested feedback from their target groups and that this was largely positive, although without conducting further research it is not possible to corroborate this information. Further, since an analysis of grant application forms and consultations with grant beneficiaries suggests that quite a significant number either did not design their projects on the basis of a needs assessment or did not sufficiently document their assessment of needs in the grant application form, creating a risk that more relevant or useful approaches to the project objectives might have been available.

### 2.3.1 Relevance of the programme to grant beneficiaries

The JPEN programme took some time to gain momentum. In the first years, call for proposals were not very competitive, although the number of applications rose as the programme gained more visibility. Indeed, as can be seen in Figure 2.2, the number of applications for AGs grew after the first three calls by twofold and almost fivefold (for the 2011-12 call – although this may in part also be an effect of the call being left open for a longer period). Similarly, OG applications reached a peak in 2010, although these fell again after 2010. As a result, success rates were high (70% and 60%) in the first two years of the programme dropping to 21% in 2011-12 raising slightly to 34% in 2013).

**Figure 2.2 Total number of applications received per call by type of funding tool**



One of the reasons for the relatively low number of proposals received, particularly in the first few years of the programme may have been because criminal justice was seen typically a Member State remit and there may have been resistance to a programme involved in developing criminal justice systems at EU level. That the programme received fewer applications overall in comparison to other EU justice programmes (e.g. Daphne and DPIP) can in part be explained by the fact that the main beneficiaries of JPEN grants were public authorities or institutions, which were less accustomed to applying for grants than NGOs and civil society organisations, whereas Daphne and DPIP mainly supported NGOs.

Of the 33 grant beneficiaries interviewed for this evaluation, 29 stated 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. One interviewee (benefitting from a grant to improve victim protection in their Member State) stated, *“the calls are designed to address the needs of the judiciary ... in our opinion, all of the applicants which applied to this type of funding was happy to receive it”*. Only four interviewees stated that restrictions on project duration and budget had limited the way they could design the project, but none stated that the conceptual framework had affected it.<sup>34</sup> This is unsurprising given the wide range of topics (victim support, procedural rights, restorative justice, use of evidence, interpretation, e-justice, etc.) covered by the priority-setting each year, without change. Indeed, two grant beneficiaries interviewed commented that the programme had a sufficiently broad scope to allow them to implement their project as designed.

### 2.3.2 Extent to which needs assessments were undertaken

Most grant beneficiaries consulted for this evaluation report that they conducted needs assessments to support the design and development of their projects, but this is not generally evident in their application forms. The evidence presented below suggests that quite a significant number of grant applicants either did not design their projects on the basis of a needs assessment or did not sufficiently document their assessment of needs in the grant application form. While it was not a specific requirement of the Commission to conduct and evidence a needs assessment, in doing so, grant applicants would have given a much clearer indication of the relevance of their project, have enhanced the quality of their study and provided a baseline upon which to assess project success at a later date. Although projects that are not based on needs assessment may still be relevant to the target groups’

<sup>34</sup> One respondent stated that they could not say either way whether the conceptual framework had been limiting or compatible with their vision for their project.

needs, a lack of needs assessment does create a risk that more relevant methods or means of supporting the target groups could have been developed.

A total of 70 out of 97 of respondents to the online survey indicated that the project/activities were designed on the basis of needs assessments, although 22 answered they were not and a further 5 provided no response. No reasons were provided in the survey of why needs assessments had not been conducted, but a review of the application forms of the nine survey respondents who responded in relation to one project<sup>35</sup> suggests that it was in some cases because the project responded to EU objectives (the setting up of ECRIS, judicial training, expansion of e-Justice) rather than needs 'on the ground'. Where this was the case, it can be assumed that the grant applicants were responding to needs already identified at EU / programme level. For example, the need for the e-Justice portal and ECRIS had already been identified through consultations and impact assessments. However, while judicial training was also a need identified at EU level, grant applicants would still have needed to conduct a second and third level of needs assessment to identify the groups most in need of training and the most effective way of delivering training. Where grant applicants did not carry out such assessments, it makes it difficult to ascertain whether the target groups and methods were the most relevant for achieving the objectives, and thus whether the project was based on the most appropriate approach to address needs.

Further analysis of sixteen application forms for action grants 2007-2013 covering different priority areas shows only six to have been developed on the basis of an assessment of needs (because they show a clear understanding and quantification of the problem and a recognition of the needs of the target group). However, only three of these made reference to the source of information for identifying these needs (in one case a study and in two cases the expertise of the organisation).<sup>36</sup> A further two of the applications reviewed integrated needs assessments within their project – i.e. as a pilot or as part of a study. A further three applications identified problems, but without showing that this identification was based on research or robust evidence. The remaining four did not clearly demonstrate how their project responded to any assessment of needs or problems. These final four projects focussed on the priority areas of training (two projects), ECRIS and e-Justice and responded to objectives identified at EU level rather than needs identified on the ground. In sum, the analysis of the grant application forms suggests that projects tended not to be designed on the basis of a robust assessment of needs.

The findings of interviews with grant beneficiaries also show that those grant applicants who did undertake needs assessments took different approaches to the assessments with a varying degree of quality. The methods used comprised: reviews of the results of previous projects (5), consultations with experts (5), internal gap-analysis of HR needs (for training projects) (3), surveys (3), consultations with partner networks (3), and desk research (2). Four projects based their assessment of needs on the organisational expertise, which is not very robust without referring to publications of the organisation or administrative data, etc.

### **2.3.3 Extent to which end beneficiaries / target groups found JPEN relevant to their needs**

Of the 97 respondents to the online survey, 69 (81.2%) reported that they had received positive feedback from their target group(s) on the relevance of the project. Feedback from target groups (e.g. as collected through feedback forms) was not consistently reported in Final Reports as it was not obligatory to include such information, but 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 the projects. One of the reasons for the reportedly high levels (81%) of positive feedback from target groups, may be because the (kind of) actor implementing the project was the same as the actors benefitting from it. That is, members of the judiciary, legal professionals, etc. applied to provide training to their own colleagues alongside those from other Member States or to host meetings with

<sup>35</sup> The remaining 13 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.

<sup>36</sup> Two made references to statistics, but without providing the source of the statistics.





fellow colleagues / experts from other Member States, or national authorities applied for grants to help them set up criminal records systems compatible with ECRIS and/or other e-justice facilities to harmonise their justice systems with those of other Member States.

This is not a criticism of the programme, as in focussing on the judiciary, courts and authorities, the programme was addressing its own objectives – to improve the system by working with those responsible for the system. However, it is recommended that future EU funding programmes in this area insist on much more in-depth assessment / identification of the needs that each project aims to address, as this is the only way that the EU can ensure that the money is being spent in the most efficient way to address the problems it set out to address.

### 3 Coherence and complementarity

*Was the complementarity and coordination with other EU programmes optimised? How do the results of the implemented actions complement national policy initiatives / programmes and other European or international initiatives / programmes?*

#### 3.1 Scope for complementarity and overlap of JPEN with other EU programmes and other EU initiatives

Article 12 of Council Decision No 2007/126/JHA establishing JPEN outlines the scope for complementarity and synergy-creation with other EU financial instruments: Civil Justice Programme (JCIV) as part of the General Programme on Fundamental Rights and Justice; Security and Safeguarding Liberties Programme (composed of the two Programmes “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 (so-called “SOLID funds”,<sup>37</sup> as well as the Community Statistical Programme. The reasons for this are that the above may share (similar) objectives, target groups/end beneficiaries, and/or approaches with the JPEN programme.

Other EU instruments that had the potential for complementarity or overlap with the JPEN programme include: Daphne III, Fundamental Rights and Citizenship (FRC), Lifelong Learning Programme (LLP), the 7<sup>th</sup> Research and Development Framework Programme (FP7) and the Horizon 2020 Programme<sup>38</sup>. The main risk of overlap in activities are in the areas of judicial training (covered also by JCIV, FRC, PROGRESS and LLP), support to victims of crime (covered also by ISEC, Daphne III and other DG Justice programmes) and criminal justice projects (covered also by Daphne III and ISEC). JPEN also shares objectives with Eurojust – the EU agency dealing with judicial co-operation in criminal matters and some areas of activity with the European Police College (CEPOL) and the European Union Agency for Fundamental Rights (FRA), since the latter conducts research into the situation of victims in the EU and the application of fundamental rights within criminal justice systems.

Complementarity can be multi-dimensional in terms of (i) objectives and thematic areas; (ii) the priorities set in the calls for proposals and (iii) the actions funded. The complementarity with regard to these three dimensions is discussed in turn below.

##### 3.1.1 Complementarity with regard to objectives and thematic areas

Complementarity with programmes similar in objectives and themes was achieved through the programme via decision-making around the scope of the programmes concerned at programme design and call development stages. Further, the fact that the JPEN objectives were highly specific (see section 2.1) made it easier to avoid overlap with other DG Justice programmes in terms of the area of law covered (JPEN covers criminal law, JCIV civil law and FRC fundamental rights) and focus (each focus on victims, but DPIP and Daphne III considered prevention of harm, as well as post-harm assistance, and focussed more on treatment and protection than JPEN, which focussed more on the victims’ journey through the criminal justice system).

PROGRESS and the European Social Fund (ESF) also funded the training of the judiciary, but each complement JPEN, because 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). Only the LLP risks overlap with JPEN to the extent that 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

<sup>37</sup> Composed of External Borders Fund (EBF), European Return Fund (RF), European Refugee Fund (ERF) and European Fund for the Integration of third-country nationals (EIF).

<sup>38</sup> DG Connect contributes funding to the programmes of other DGs, i.e. Competitiveness and Innovation Programme (CIP), FP7, Horizon 2020 and CEF: <http://ec.europa.eu/dgs/connect/en/what-we-do>

specific training programmes through AGs (16 in total). According to ERA, the LLP grant is 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>39</sup> whereas the JPEN co-funding supports specific training programmes on criminal justice corresponding to the priorities identified in JPEN calls for proposals. The division of funding still risks overlap. To counteract this, ERA ensure that funds go only on the activities for which they were received and follow highly detailed financial reporting to ensure accountability. Nonetheless, this remains an area of potential duplication / overlap of EU funds.

Table 3.1 below illustrates the scope for complementarity and overlap of JPEN's objectives and thematic areas with the selected EU funding programmes. While the objectives of these programmes are similar, this provides opportunity for complementarity rather than overlap as - in the case of the DG Justice programmes - they each focus on different areas of law (as in the case of JCIV and FRC), on different target groups (as with ISEC), or on different immediate outcomes (as in the case of Daphne III and DPIP) or have coherent, but not necessarily overlapping objectives (as with DG Connect's work and Horizon 2020).

**Table 3.1 Scope for complementarity and overlap of objectives: JPEN and EU programmes**

Judicial cooperation	Promotion of compatibility of legislation	Exchange of information and best practices (in the area of criminal justice)	E-Justice	Training of the judiciary	Protection of the rights of victims and the accused	Criminal justice
JPEN	JPEN	JPEN	JPEN	JPEN	JPEN	JPEN
JCIV	JCIV		JCIV	JCIV		
FRC				FRC		
		ISEC			ISEC	ISEC
				Daphne III	Daphne III	
			DG Connect			
		Horizon 2020				

### 3.1.2 Complementarity at the level of calls for proposals

In order to determine complementarity at the level of calls for proposals and to identify whether or not priority setting enhances the further differentiation between programmes, the priorities for the 2007 and 2013 calls for proposals set for JPEN have been compared with those set in Daphne III and ISEC, given the shared objectives in relation to victims of crime and the focus on criminal justice.

#### 3.1.2.1 Comparison of 2007 calls for proposals for Daphne, FRC and JPEN

The comparison of priority-setting between JPEN, Daphne III and ISEC for the AGs' call for proposals in 2007 shows that the main risk of overlap with Daphne III was in relation to studies aimed at support to victims of crime. However, whereas Daphne III focussed on victims of sexual exploitation and violent crime, JPEN focussed on victims of terrorism. Nonetheless, the JPEN priority area *Studies and concrete projects on information to and support for victims of crime* overlapped slightly with the Daphne III priority on *Research into victim support services for children, adolescents and women who have experienced sexual abuse or exploitation*, as the JPEN priority area is more general and could have encompassed such projects. The risk of overlap in priorities was slightly greater with ISEC than Daphne III since the ISEC priority areas in 2007 were broad and topic-focussed as compared the specific priorities of JPEN.

<sup>39</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".

**Table 3.2 Overview of JPEN, Daphne and ISEC priority areas identified in 2007 calls for proposals for action grants with scope for complementarity and overlap**

JPEN	Daphne	ISEC
<b>Criminal justice</b>		
Training in EU legal instruments and policies to on emerging international criminal activities such as terrorism and organised crime, trafficking in human beings, cyber criminality, environmental crime, financial crime and money laundering.		Innovative projects in view of developing a system for measuring crime and criminal justice.  Prevention of and fight against crime in specific areas ( <i>inter alia</i> trafficking in human beings, terrorism, etc.)
<b>Support to victims</b>		
Studies and concrete projects on information to and support for victims of crime	Studies, mapping and research to map and analyse trends in (i) legislation, (ii) data collection, (iii) framework policies and structures and/or (iv) victim support services for children, adolescents and women who have experienced sexual abuse or exploitation / been trafficked.	
Supporting victims of terrorist crimes	Surveys of existing initiatives to support victims of trafficking with a view to recommending future actions at national and European levels.  Research on violence against older women in Europe with a view to shedding light on ... current responses and gaps in legislation/support.	Protecting victims and supporting and protecting witnesses and other persons ready to co-operate with justice.

### 3.1.2.2 Comparison of 2013 calls for proposals for Daphne, FRC and JPEN

In 2013, the ISEC call for AG proposals listed only four priorities which were very specific and as a result there was no risk of overlap with JPEN priorities. Instead, as the ISEC priorities focussed on crime prevention and law enforcement, whereas JPEN focussed on criminal justice and the judiciary, the two programmes' calls for proposals complemented each other. In 2013, both JPEN and Daphne III included priority areas that focussed on support to victims and the use of protection orders in the EU, but while in relation to victims, JPEN focussed on awareness raising activities, Daphne III rather focussed on studies, development of best practices and promotion of networking. Similarly, in relation to protection measures, JPEN focussed on promoting the use of protection orders, whereas Daphne III focussed on analysing the extent to which they are presently being used. In sum, the 2013 JPEN and Daphne III calls for AGs complemented each other.

**Table 3.3 Overview of Daphne, FRC and JPEN priority areas identified in 2013 calls for proposals for action grants with scope for complementarity and overlap**

JPEN	Daphne
<b>Support to victims</b>	
Actions facilitating the <b>provision of information to victims on their rights, on the services that are available to them</b> and on the progress of the case. Actions may include the development of information tools (audio-visual, web-based, written or other) targeting victims (generally or specific groups of victims)	<b>Specialised support services</b> for women, young people and children victims of violence [focussing on] on any of the following actions: <b>mapping of existing specialist support services; development and exchange of best practices</b> in establishing and running such specialised services, identification of gaps and recommendations for establishing specialist services at national level, <b>promotion of the cooperation and networking</b> across the EU of national/local authorities or NGOs responsible for providing specialist support.
<b>Protection measures</b>	
Actions improving the <b>use and conditions for</b>	The Commission would also fund projects that analyse the

<p><b>different forms of protection measures through civil, criminal or administrative law measures</b> (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.</p>	<p>current availability and actual <b>use of and conditions for different forms of protection orders</b> (e.g. restraining and barring orders) by law enforcement agencies and the judiciary in the Member States to prevent further violence against children, young people and women.</p>
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### 3.1.3 Complementarity at the level of actions

Sections 3.1.1 and 3.1.2 demonstrated that while JPEN shared similarities in scope and objectives with other EU programmes, complementarity was largely achieved because the programmes differed in terms of the area of law covered, groups targeted and activities covered. These sections also demonstrated that the projects presented scope for complementarity mainly in relation to the fight against and prosecution of crime and support to victims of crime. The remainder of this section thus assessed complementarity and risk of overlap in relation to these two areas.

#### *The fight against and prosecution of crime*

Box 3.1 highlights two JPEN projects which covered similar subject matter to those of other programmes. The first project, whilst demonstrating commonalities with the ISEC and Daphne III programmes, fitted much better within the scope of JPEN, but the second project should arguably have been funded by ISEC and thus highlights a potential area of overlap between JPEN and ISEC.

#### **Box 3.1 JPEN projects risking overlap with other DG Justice programmes**

The project “*Combating trafficking in human beings with particular focus on child trafficking*” aimed to bring together actors handling trafficking cases. This project has scope for complementarity with Daphne III, which also addressed child victims of human trafficking, and ISEC, which addressed organised crime including human trafficking. However, while Daphne III focussed on providing protection for victims and groups at risk and ISEC focussed on cooperation among law enforcement in Member States, the project was within the JPEN remit since it focussed on enhancing transnational cooperation, mutual legal assistance and mutual recognition. Furthermore, the partner organisations included the European Judicial Training Network, prosecutor’s offices, supreme courts and Ministries of Justice, which are the main JPEN target groups, but not target groups within the Daphne III and ISEC programmes.

The project “*Assessing support initiatives for victims of terrorism in the United Kingdom and Spain: Lessons for the European context*” aimed to analyse how victims’ needs are understood and constructed and how they differ across contexts. The project had clear inter-linkages with the DG Home Affairs’ ISEC programmes. ISEC included the protection of victims in its scope and universities and research organisations had access to the programme. Thus, there was a clear scope for overlap as the project could have also been funded by ISEC. In fact, during the follow-up interviews, the University shared that they had obtained future funding for a follow-up project under the ISEC programme.

#### **Support to victims**

A total of 45 JPEN actions focussed on support to victims.<sup>40</sup> These included projects on training, studies, and support services. These activities may have risked overlap with Daphne III and ISEC, as well as with the work of the FRA. FRA has produced a number of publications in the field of victims’ rights. For example, in January 2015, FRA published a report “Victims of crime in the EU: the extent and nature of support for victims”<sup>41</sup> and in 2012 it carried out the research project “Mapping victims’ rights and support in the EU”<sup>42</sup>. Since JPEN provides funding for the development of information materials and tools, protocols, guidelines, manuals, identification and exchange of best practice, efforts should be made to

<sup>40</sup> This is the number of grants mapped which covered this priority area across the seven years of the programme.

<sup>41</sup> Available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

<sup>42</sup> Available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

ensure that the products produced by FRA and under JPEN funded projects are complementary and do not duplicate efforts.

### 3.2 Mechanisms applied to optimise coherence and complementarity

Complementarity and coherence of JPEN and other programmes was sought by the Commission predominantly at the level of programme design and work programme development. At the project selection, monitoring and reporting stages of the programme cycle, the Commission applied no mechanisms to enhance complementarity, except for sharing resources (i.e. the e-Justice portal) with the JCIV programme. For example, it did little to disseminate the results of the JPEN projects (see section **Error! Reference source not found.**), even though in doing so it might have created further opportunities for establishing synergies and avoiding overlaps, as potential grant applicants would have been able to see what had already been achieved and learned under the programme.

Some grant beneficiaries reported that they established synergies with projects funded by other programmes in order to increase the effectiveness of their project (i.e. by building the project on good practices established through other projects) and in order to improve dissemination (by utilising dissemination channels available through other projects). Grant beneficiaries appear to have identified scope for synergies via their own established networks and understanding of the European, national and international funding environment, rather than through any mechanisms established by the EU – for example, DG Justice did not require that grant applicants identify possible mechanisms for synergy-creation, although this might have been useful and encouraged grant applicants to identify areas in which it could further maximise impact.

#### 3.2.1 Mechanisms applied by the Commission to optimise coherence and complementarity

As discussed in section 3.1.1, at programme design phase, complementarity was sought with the ISEC and JCIV programmes in particular, and thus taken into account in the founding decisions of these programmes. When preparing annual work programmes, DG Justice also sought to enhance complementarity and coherence between the DG Justice programmes by organising meetings between the programme management and policy units. At the same time, it participated in inter-service consultations and inter-service groups to discuss complementarity and possible overlaps in programming with other DGs. Furthermore, the preparation of the annual work programmes coincided with the comitology meetings with the Member States, at which the Commission presented the selected priorities providing an opportunity for Member States to identify any complementarity and coherence issues with other EU or national initiatives.

To the extent that the DG Justice unit(s) responsible for JPEN came together with other units of DG Justice and other DGS at programme and call design stage this was a positive step as it allowed them to discuss objectives and priorities and to avoid overlap in these areas. Considering that the analysis in sections 3.1.1 and 3.1.2 shows that overlap was largely avoided at these levels, it appears that the mechanisms applied by the Commission to optimise complementarity were successful. Following the launch of calls, it might have been useful for the Commission to create channels for consulting in case of the potential overlaps in projects identified in section 3.1.3, but these did not exist. Commission officials indicated that duplication of activities or overlaps between activities / projects financed by different DGs were hard to identify, given the scale and high number of activities that were being implemented (e.g. the Framework Programmes of DG Research). While it would have been time-consuming to hold inter-service consultations on project selection (and therefore a threat to programme efficiency), the Commission could have helped prevent these few overlaps between programmes if it had better publicised information about the objectives and results of projects funded, so that grant applicants could have better avoided duplications.

### 3.2.2 Mechanisms applied by projects to optimise coherence and complementarity

At project level, grant beneficiaries sought to establish synergies with colleagues or other organisations implementing projects also funded by JPEN, funded by other EU programmes and/or with projects funded through national and international mechanisms. Almost two thirds (60 out of 97) of respondents to the online survey indicated that some form of synergies were established with other projects under JPEN (26 respondents), other EU programmes (18 respondents), national programmes (18 respondents) or international programmes (5 respondents).<sup>43</sup> However, not all respondents provided examples of the synergies they had created, so it was not always possible to corroborate this reported information.

Grant beneficiaries sought to increase the impact of their JPEN-funded projects by building on the findings of other projects, designing the project around good practices established under other programmes, and by disseminating the results of the projects to networks established under other projects.<sup>44</sup> For example, one beneficiary of a JPEN grant reported that they had disseminated the results of the project to end-users meetings of another project funded under DG Research's FP7 programme and another respondent explained that they had used some of the tools developed within a project funded by DG EMPL's Lifelong Learning Programme (LLP). Results of JPEN projects were also disseminated at conferences organized with funding from other EU programmes. For example, the project "*Transnational Use of Videoconferencing-True-to-Life Implementation*" established synergies with the JPEN remote-interpretation project *Avidicus* by mutually exchanging results, findings and outcomes of their activities.

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<sup>43</sup> Twenty six respondents of the survey (or 27% of all respondents) stated that no synergies were established and 11 gave the response "I do not know". There is a slight methodological issue with this data: not all respondents had the option of replying "no" or "I don't know", because these two categories were only added after the survey was already running. A total of seventeen of the respondents considered in this report did not have this option and therefore of the 33 not providing a response to this question, 17 may have replied "no" or "I do not know" had they been given the option.

<sup>44</sup> Based on information reported in the online survey and follow-up interviews with grant beneficiaries.

## 4 Effectiveness

The effectiveness of a programme refers to the extent to which the programme has been successful in achieving its objectives. This section addresses the following:

- The extent to which JPEN projects were successful in achieving the programme objectives, and any external factors which influenced these (Section 4.1); and
- The extent to which JPEN projects were successful in achieving their own project objectives (Section 4.2).

Overall, the implemented actions have addressed the objectives of the programme, in particular the specific objectives related to the training of the judiciary and judicial cooperation. A quarter of the total planned budget for the programme (93 grants in total) went specifically on training of the judiciary and legal practitioners, benefitting 25,863 judges, prosecutors and other professionals during the evaluated period. The promotion of judicial cooperation was a key element of many of the projects implemented: at least 947 partnerships were formed for the implementation of JPEN programmes, of which 826 were between Member States. Judicial cooperation was achieved at least for the duration of the projects and there is evidence to suggest that some partnerships led to sustainable cooperation. The programme also reduced legal obstacles by promoting transnational partnerships and contacts, increasing mutual understanding of national legislation on criminal justice across the EU and by facilitating the implementation of EU legislation in Member States.

To the extent that the programme funded a large number of grants (187 out of 333) involved in mutual learning or best practice exchange activities, it can be said to have contributed to information exchange and the increasing of contacts between national members of the judiciary. JPEN funding was also used to maintain the e-Justice Portal, which the evaluation considers to have improved information sharing on criminal justice at EU level. Furthermore, a large proportion of JPEN grants went to projects directly or indirectly focussing on the rights of victims and the accused. In particular, the programme provided 16 grants to two key organisations supporting the respective rights of victims and the accused.

The outcome of policy-makers using project outputs to shape new policy or legislation or adjust existing ones has been achieved by those projects who involved policy-makers in the project via consultation at design stage, through briefings, meetings or involving them on the project steering board.

It is challenging to assess the extent to which project outputs were achieved (in comparison to planned outputs), namely because the requirement for grant applicants to identify a measurable target for their outputs was only introduced by the Commission towards the end of the programme and final reports are not yet available for these projects. Based on the self-reporting of grant beneficiaries (in final reports and through consultations conducted for this evaluation), it appears that most projects (around 70%) were effective at achieving their outputs as proposed, but nearly a third were not as effective because they did not achieve all their objectives.

### 4.1 Achievement of programme objectives

*Do the final results of the implemented actions address sufficiently the objectives of the programmes? How effective has the funding been in supporting the implementation of EU legislation and EU policies in the respective areas?*

The achievement of the programme objectives is assessed by looking at the extent to which the projects – through their outputs, outcomes and results – contributed to the achievement of the general objectives of the programme. As mentioned in section 2.1, the specific objectives aligned very closely to the general ones, hence in looking at the former, the achievement of the latter will also be assessed.

Overall, the implemented actions have evidently addressed the objectives of the programme. In particular, they have fostered training of the judiciary, promoted judicial cooperation,



supported the dissemination of information on criminal justice at EU level (also for EU citizens, as well as the judiciary) and have influenced policymaking and legislation at national level. Given that the programme objectives were designed to address EU objectives (see section 2.2), in addressing the programme objectives, funded actions brought real value to the EU (see section 7 for further discussion).

#### 4.1.1 Main activities implemented and outputs achieved

The types of activities implemented through the JPEN programme were discussed in section 2.1.2. Besides the use of grants to implement activities, JPEN funding was also used to procure services that involved analytical activities (e.g. impact assessments to support legislative development), the installation of hardware and software (e.g. elements of the e-Justice portal) and awareness-raising activities. The remainder of this subsection provides an overview of the specific outputs of AGs and OGs as quantified through a mapping of project documentation. As for procurement, 64 out of a total of 175 contracts procured were for studies, 68 contracts were for awareness-raising activities and 43 contracts were for IT services mainly involving the development and maintenance of the e-Justice portal. No contracts were procured for training services or for support and advice services.

Annex 1 to this evaluation (quantitative analysis of project documentation) provides information on the outputs of the activities. This information is summarised in the remainder of this sub-section.

Awareness-raising activities were held mainly to disseminate the results of studies or, in some cases, to disseminate information on Member State and EU legal and judicial systems in order to strengthen mutual understanding of national practices and the application of EU instruments. The types of outputs of awareness raising activities achieved through AGs and OGs included events such as conferences and seminars (150 held), newsletters, brochures and other written materials (more than 60 published), other promotional outputs, such as books, films, etc. (more than 50 developed), campaigns (22), press conferences / releases (16) and policy briefs (2 in total).

Analytical activities included those mapping information on national legislation, the application of EU legislation in different Member States, on detention practices and restorative justice practices in Member States amongst other topics. The reports produced as a result of these activities, included 59 guides and manuals, 42 reports outlining statistics, 23 reports of surveys and 23 comparative analyses. Other types of studies include state of the art reports (e.g. on national probation systems, the use of alternatives to detention and the use of 'peace circles' as a means of reintegrating criminals into society), and policy recommendations (e.g. on juvenile justice, EU procedural rights and the development of the EU Victim's Directive).

The outputs of mutual learning activities included 116 workshops or focus groups, 32 study visits and 17 new networks of partners. The activity 'support to key actors' refers to the support given (through OGs) to organisations for their operating costs and work programmes, the outputs of which included at least twelve strategies, and 152 trainings.

Support and advice services funded through JPEN included victim / offender mediation services, legal advice services and online information services funded mainly through OGs to organisations already providing these services. These activities led to 38 information / advice websites being established. Hardware / software installation activities mainly comprise the actions undertaken to set up the European Criminal Record Information System (ECRIS) the outputs of which largely involved only software development and/or hardware installation, but which sometimes also included study visits, training and guidelines.

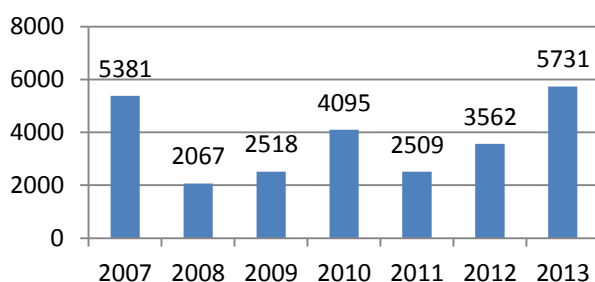
The remainder makes reference to the activities, outputs, outcomes and impacts of both grants and procurement activities in terms of their contribution to the achievement of the programme objectives.

#### 4.1.2 Fostering training of the judiciary

Training of the judiciary (as well as lawyers and other professionals), with a view to enhancing mutual trust was one of the general objectives of the JPEN programme.

A total of 93 JPEN grants worth *more than 44 million euro (26 % of the total planned budget for the programme 2007-2013)* went specifically on training of the judiciary and legal practitioners.<sup>45</sup> This training benefitted 25,863 judges, prosecutors and other professionals during the evaluated period, an average of 3,695 beneficiaries per year. Figure 4.1 shows the number of legal practitioners benefitting from (i.e. participating in) these training events each year. This includes training funded through action grants, framework programme agreements and operating grants to the European Judicial Training Network.

**Figure 4.1** Number of participants benefitting from JPEN-funded EU legal training 2007-2013



It appears that the judges and prosecutors in most Member States have benefitted from such training (see Figure 4.2 and the explanation of the graph in the text in the next paragraph), although some Member States have benefitted more than others. Data is not available on the effectiveness of the training carried out with the judiciary in increasing knowledge or on the impacts on EU legal systems (such information was not available in final reports, nor reported in interviews). It is challenging to accurately assess the impact of training on behaviour and knowledge, i.e. to calculate how much of any measured change can be attributed specifically to the training. Reporting and feedback from training participants is one indicator, but grant beneficiaries did not consistently provide this feedback in their Final Reports. However, in consultation for this evaluation, grant beneficiaries and from the Commission reported that they consider the training an important tool for harmonising judicial practice in the EU.

The Commission has set targets to train half of all EU legal practitioners (an estimated 700,000) by 2020. To do this, at least 5% of all legal professionals in each Member State must be trained each year until 2020, whether the training is organised at local, national or European level by local, national or EU-level actors.<sup>46</sup> A recent report on European Judicial Training<sup>47</sup> (which is also the source of Figure 4.2) demonstrated that the target for judges in 2013 was reached (see top graph), but that in the remaining 19 Member States for which data were available the Commission did not reach the target for annual training for prosecutors in two Member States. In Figure 4.2, the percentages refer to a calculation by the European Commission of the number of participants that should be trained in the EU overall and in Member States individually to reach the 2020 target. The target is a minimum of 5% of this calculated figure for each Member State, and – as can be seen from the Figure

<sup>45</sup> Figures based on monitoring information collected by DG Justice and shared with the evaluation team for grants awarded specifically for training of the judiciary. **Error! Reference source not found.** includes projects which had a focus on *inter alia* on the installation of e-justice tools, on victim support or on research, but which involved activities to train participants as part of the project.

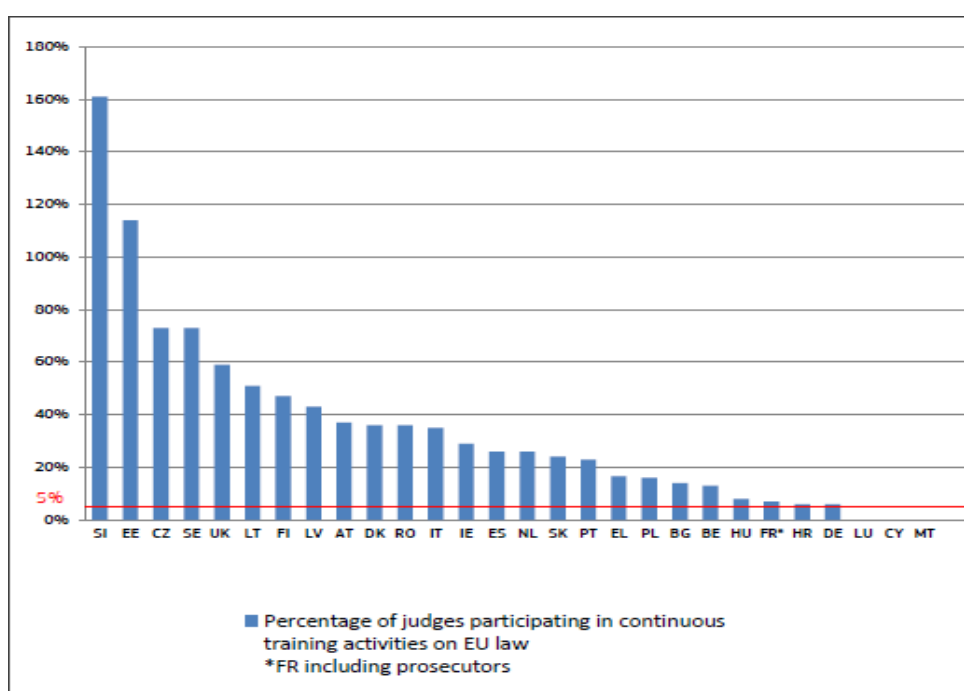
<sup>46</sup> See page 2 of COM(2011) 551 final 'Building trust in EU-wide justice: a new dimension to European Judicial Training': <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0551:FIN:EN:PDF>

<sup>47</sup> European Commission, 'European Judicial Training, 2014': [http://ec.europa.eu/justice/criminal/files/final\\_report\\_2014\\_en.pdf](http://ec.europa.eu/justice/criminal/files/final_report_2014_en.pdf)  
Note that the report covers training funded by other EU programmes (e.g. PROGRESS, JCIV and FRC), as well as JPEN. The information in the report does not disaggregate the data according to source of funding, so it is not possible to distinguish the Member States of origin for the practitioners benefitting from JPEN training from those trained under different programmes.

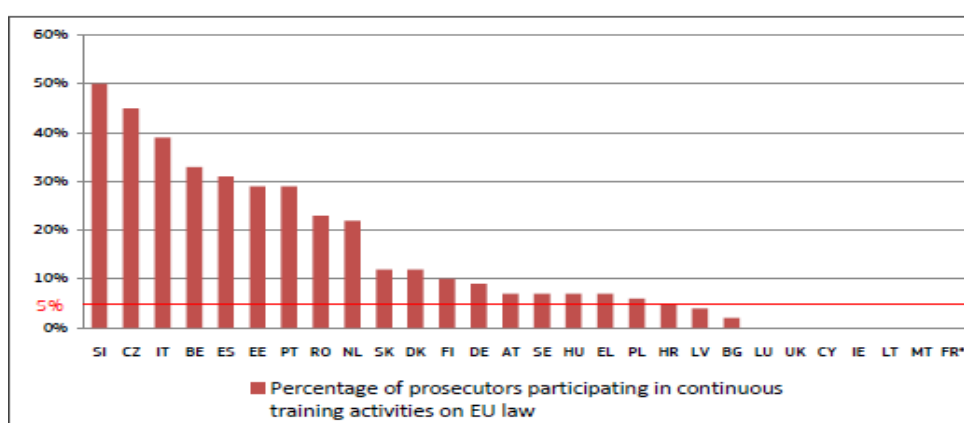
– targets have not been met in Bulgaria and Latvia. Information is not available for Cyprus, France, Ireland, Lithuania, Luxembourg, Malta and the United Kingdom.

In sum, a large proportion of the JPEN activities have focussed on the attainment of the objective “fostering training of the judiciary”. To the extent that these activities have resulted in a significant number of participants being trained each year, it can be considered that the activities contributed to this objective. To the extent that the training involved different Member States and exchanges, it is likely that also the training contributed to improving cooperation and possibly mutual trust between Member States, although this is difficult to judge from the data available.

**Figure 4.2** Number of judges and prosecutors participating in 2013 in continuous training in their own Member State and (for prosecutors) abroad



5% = minimum needed per year to reach the 2020 target of training half of the practitioners in EU law



Source: European Training 2014. Figures include training funded through other EU programmes or by EU agencies, such as PROGRESS, Civil Justice and Fundamental Rights and Citizenship Programmes. For LU, CY and MT (and for prosecutors additionally for UK, IE and LT), no data were available.

#### **4.1.3 Promoting judicial cooperation, compatibility of rules and a reduction in legal obstacles to the good functioning of judicial cooperation**

This section provides an analysis of the extent to which the implemented actions sufficiently addressed the following two general objectives of the programme:

1. Promoting judicial cooperation with the aim of contributing to the creation of a genuine European area of justice in criminal matters based on mutual recognition and mutual confidence
2. Promoting the compatibility in rules applicable in the Member States as may be necessary to improve judicial cooperation and promoting a reduction in existing legal obstacles to the good functioning of judicial cooperation with a view to strengthening the coordination of investigations and compatibility of existing national judicial systems

These two general objectives both seek to promote judicial cooperation and a harmonised approach to criminal justice in the EU – i.e. to the creation of an EU criminal justice area.

The JPEN programme very clearly promoted judicial cooperation and compatibility between Member State rules and also contributed to reducing some legal obstacles. A large number of implemented actions focussed on improving cooperation between key actors in the criminal justice system in different Member States and many sought to reduce legal obstacles. Different groups of activity are discussed below.

##### ***Promoting judicial cooperation***

Judicial cooperation between Member States is an essential component to the EU in promoting a common area of criminal justice; it is also a critical factor for the effective and efficient processing of cross-border cases of crime and those involving persons from more than one Member State. A total of 80 AGs and 13 OGs out of the 334 grants included Promoting judicial cooperation as their main or secondary priority. In terms of funding, this would mean that -if assuming that all of the funding for each of these projects was committed only to Promoting judicial cooperation- in total 23,100,000 euro was committed to AGs and 13,300,000 euro to OGs regarding this priority. These figures are however an overestimation given that these projects also covered other priorities.

The JPEN programme had a notable impact on improving judicial cooperation between the judiciary and justice ministries of Member States, not least because of the number of bilateral partnerships it created. At least 947 partnerships were formed for the implementation of JPEN programmes, of which 826 were between Member States.<sup>48</sup> Some of the outcomes of trans-national projects, as described in final reports have included:

- Improved bilateral cooperation between Member State prosecutors on Joint Investigation Teams in cross-border cases.
- Increased expertise on the processing of EU nationals accused of crimes in another Member State.
- Joint dialogue on common problems, also through the creation of cross-EU working groups, such as the Legal Experts Advisory Panel (LEAP).

The programme also awarded grants to various EU networks which bring together legal professionals from different Member States and this way also promoted judicial cooperation. OGs in particular were used to fund the activities of EU platforms and networks working in key areas of criminal justice (probation, judicial proceedings, prosecution, prisons, restorative justice, victim support). Further, in 2013 the EU platforms receiving an OG were encouraged to develop collaborative partnerships between the European Platform for Restorative Justice, Victim Support Europe Euro Pris and the Criminal Justice Platform in promoting mutual trust and ensuring protection of rights of victims and of the accused.

<sup>48</sup> Calculation based on the analysis of the Member States of individual partners receiving JPEN grants as linked to the Member State of the lead organisation.

### ***Increasing the compatibility of rules between Member States***

The different ways in which the programme promoted the compatibility of rules between Member States was by:

- Improving knowledge of differences between Member State legislation / practices and identifying possible solutions to reduce these differences;
- Promoting good practices and greater harmonisation;
- Increasing dialogue between those responsible for maintaining and amending rules on criminal justice, including the creation of working groups between Member States to discuss and identify solutions to obstacles in implementing EU legislation;<sup>49</sup> and
- Promoting the (better) implementation of EU legislation by increasing Member States' knowledge of it and capacity to implement it.

The degree to which the programme was successful at these, differed. At least ten studies looked into the application of EU legislation in Member States. At least three project partners reported that with the JPEN funding they were able to conduct “the first” comparative study of the application of different areas of EU law, e.g. the Victims Directive. According to one interviewee, “*comparative research activities are important for adding to the knowledge base. A particular success factor of this project was that it looked at potential barriers to the effectiveness of the Victims Directive, thus highlighting issues where member states and the Commission need to be alert.*” However, there is less evidence to suggest that these studies have been utilised to make changes / improvements to the application of EU legislation. According to our interviews with project partners, training has had a bigger impact on increasing understanding and awareness of EU law in Member States.

Projects which fostered dialogue and information exchanges between authorities of different Member States may have also helped to influence the considerations of legislators on how rules might be made more compatible. National authorities from 21 Member States<sup>50</sup> led one or more JPEN grant, including 15 ministries of justice. Many of these grants were used to amend national criminal records systems to make them compatible with the European system (ECRIS) or to support.

### ***Reducing legal (and other) obstacles***

Obstacles to judicial cooperation can include:

- Incompatibility between rules in Member States on the provision and use of evidence and on extradition,
- Lack of understanding / knowledge of Member State legislation and practice and of EU rules,
- Lack of established contact or communication channels between law enforcement and/or prosecution in different countries necessary for the exchange of information on suspects, witnesses and/or evidence, and for the implementation of EU instruments,
- Linguistic differences rendering it difficult for witnesses to give statements, for those on trial to understand proceedings and to give their statements, and for the judiciary and jury to access all the information they need to make fair and accurate judgements, and
- Incompatibility of judicial systems, particularly criminal records and evidence storage systems that might hinder the exchange of such information in cross-border cases.

JPEN actions to reduce incompatibility between Member State rule, to address a lack of understanding / knowledge of Member State legislation and to improve communications between Member States were discussed above. To reduce linguistic obstacles, JPEN identified access to interpretation services as a priority for funding, awarding grants for linguistic training of judges and prosecutors and the evaluation of linguistic services in Member States. Given the small scale of this linguistic training, it is unlikely that it had a

<sup>49</sup> See, for example, the 2010 AG to improve cooperation for the implementation of the Council Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgements and probation decision with a view of the to the supervision of probation measures and alternative sanctions.

<sup>50</sup> All except for Belgium, Cyprus, Denmark, Hungary, Malta, Sweden, Slovakia.

major impact on reducing linguistic obstacles. However, it contributed to the training of judiciary and promoted the linguistic training of legal professionals, which had been recognised as a priority of the Commission.<sup>51</sup>

One of the key types of action funded by JPEN<sup>52</sup> was support to Member States in amending their criminal records systems to make them compatible at EU level to enable the exchange of the records through ECRIS. Some implementation issues with the set-up of the ECRIS in Member States were noted by project partners; however, to the extent that ECRIS was able to be set up in 2012, suggests that the JPEN actions in this area were at least partly successful.

#### 4.1.4 Improving contacts and exchange of information

To the extent that JPEN actions supported the improvement of dialogue and exchanges between Member States and (as previously discussed – section 4.1.3) the fostering of judicial cooperation, the programme has improved contacts and exchange of information and best practices between legal, judicial and administrative authorities. As shown in Figure 1.2 and Figure 1.3, at least 187 funded actions had some element of mutual learning, exchange of good practice and cooperation incorporated into the project.

In addition to actions funded through grants, JPEN funding was used to procure contracts with consultants who developed and maintained the e-Justice portal. The e-justice portal is a regularly updated comprehensive information database targeting both EU citizens (to provide them with information about their rights, access to lawyers and legal aid, what to expect in court etc. and to provide them with tools to find lawyers and other forms of judicial support), as well as businesses and legal practitioners and the judiciary. To the extent that it targets different user-groups and contains up-to-date and comprehensive information, it can be said to significantly contribute to the improvement of information on criminal justice at EU level.

#### 4.1.5 Promoting judicial cooperation and developing mutual trust with a view to ensuring the rights of victims and of the accused

A large proportion of JPEN grants went to projects directly or indirectly focussing on the rights of victims and the accused. One of the main ways that the JPEN programme contributed to building mutual trust on the rights of victims and of the accused in the EU is by funding EU-level platforms working in these areas, particularly:

- Fair Trials International, which seeks to, amongst other actions, “engage and support an international movement [network] of fair trials defenders [of human rights professionals].
- Victim Support Europe (VSE), which is a network of national victim support organisations promoting the establishment and development of victim rights and services throughout Europe.

According to VSE, “*the operating grants were instrumental in providing the ability for Victim Support Europe to increase our organisational capacity and support the European Union’s aims in relation to criminal justice in general and victims of crime in particular. The EU funding was an important step in developing the sustainability of the victim support movement in Europe. In the current difficult financial situation, many of Victim Support Europe’s members have had their national funding cut and some have been forced to make organisational changes following financial constraints. As such, the European coordination and capacity building of European victim support organisations was and is more important than ever, given that some of our national members were in additional need of training, information and support*”.

<sup>51</sup> See the 2011 Communication on Building trust in EU-wide justice: a new dimension to European judicial training <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0551:FIN:EN:PDF>

<sup>52</sup> 47 AGs went towards the development of ECRIS in addition to ten procurement contracts (used for the running of a working group to support Member States linking up to ECRIS, amounting to 4.2 million €.

#### 4.1.6 Contributing to the development of policies and legislation

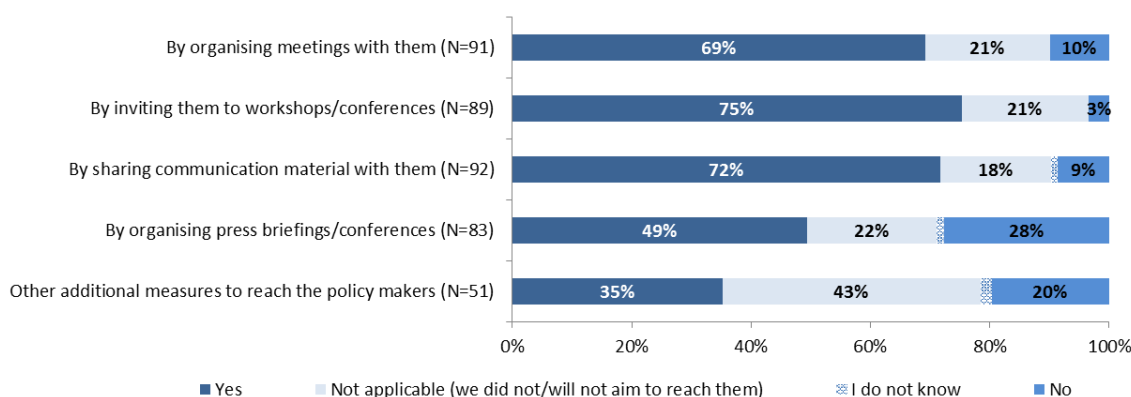
*How responsive have policy-making and legislation been to the results of the projects, both at European and national level*

The JPEN programme was effective in engaging policymakers and in producing outputs and results that could be used by policymakers to develop policy and legislation at both EU and national level. JPEN is different from some other EU funding programmes, including other DG Justice programmes such as Daphne III, Fundamental Rights and Citizenship and Drugs Prevention and Information in that the persons responsible for setting policy at national level (ministries, authorities and the judiciary) are the ones designing the projects and/or participating in and benefitting from the projects. This means that it was much easier to develop projects that engage policymakers' interest and their support than in these other programmes.

Indeed, 71 survey respondents (74%) stated that policy makers had responded to the information provided by the project/activities, in 39 cases (49%) showing a lot of interest. In 30 out of the 71 cases, the policymakers had used their project outputs to shape new policy or legislation or adjust existing ones.<sup>53</sup> Only six survey respondents who had implemented projects which set out to research and analyse specific judicial practices and to recommend changes to policy, practice and/or legislation had not managed to reach policymakers.<sup>54</sup> This may have been partly due to the fact that the projects were ongoing / recently completed (having received grants 2011-2013), but in at least one case it is because the project did not appear to have a strong strategy for ensuring the project results were utilised by policymakers (the final report was sent to policymakers via a mailing list, but there were no other forms of engagement).

In addition to sharing communications (e.g. emails, newsletter etc.), ways that other projects engaged with policymakers was by organising meetings, inviting them to workshops, and organising briefings with them (see Figure 4.3). Others included policymakers on the project advisory board. The outcome of policy-makers using project outputs to shape new policy or legislation or adjust existing ones was more likely to be achieved when policymakers were involved directly in the project (either through consultation at design stage, through briefings, meetings or involving them on the project steering board).

**Figure 4.3 Methods used in projects to reach policy makers:**



**Source:** Survey for the ex-post evaluation of the five DG Justice programmes 2007-2013. Question 23a: How have you reached/will you reach relevant policy makers at national and EU level?

As discussed in section 2.2, the JPEN programme, through action grants and operating grants, had more of a focus on implementing EU legislation than on influencing the

<sup>53</sup> Responses to the question: "How have policymakers responded to the project? (Please select all that apply: ["by shaping a new policy development/action plan/legislation or by adjusting existing ones using as a basis the project's outputs and results".  
<sup>54</sup> A total of 19 survey respondents provided no response to the question, "Have the policy makers responded to the information provided by the project/activities?"

development of new EU policy and legislation. This was largely because the call priorities set in the annual work programme were reactive to EU policy, focussing on supporting implementation. Nonetheless, some outputs of AGs and OGs still clearly contributed to the EU's policymaking process. For example, the results of the project *'Infovictims'* was mentioned as a best practice for Member States by Commissioner Viviane Reding, in her communication at the Victim Support Europe Conference (6th of November 2013). Another project is mentioned in the Proposal for the Victims' Rights Directive. Further, at least 68 grants awarded (20%) went to networks or NGOs active at EU level in lobbying EU policymakers and/or consulted/used by policymakers to source evidence to support policymaking. For example, Fair Trials International received ten grants and reports that policy-makers have cited in parliamentary debates or in policy documents. At national level, the programme also influenced and shaped national policy, legislation and practice to the extent that JPEN funding was used to promote EU harmonisation.

The Commission also used JPEN budget to procure research and analytical services to support the development of policy and legislation 2007-2013. However, it could not be said that policymaking and legislation *responded* to the results of procurement; rather, these contracts were procured as a response to needs already identified through other mechanisms (e.g. Council or Parliament mechanisms or public consultations).

## 4.2 Achievement of project objectives

*How effective have the implemented actions been in comparison to the outputs proposed and those actually achieved?*

The overall results of the projects in relation to the objectives of the programme were described in section 4.1. It is more challenging to assess the extent to which project outputs were achieved (in comparison to planned outputs), namely because the requirement for grant applicants to identify a measurable target for their outputs was introduced by the Commission towards the end of the programme and final reports are not yet available for these projects. The assessment of project effectiveness in achieving outputs is therefore assessed in terms of:

- Self-reporting from project partners responding to the online survey and participating in the follow-up interviews, and
- Analysis of the information on 'the extent to which projects implemented activities as planned' taken from final reports (where available).

This section shows that while most project partners who either responded to the online survey and/or had made available final reports had been able to achieve their project outputs as planned, 33 – 40% had not been able to achieve all objectives. Although some of the obstacles encountered were unforeseen, some could have been identified and mitigated as part of a risk assessment strategy and better monitoring at both project and programme level. It can therefore be said that while most projects (around 70%) were effective at achieving their outputs as proposed, nearly a third were not as effective, because they did not achieve all their objectives, and in a handful of cases (around 5% of all finalised projects)<sup>55</sup> this significantly affected the achievement of the project's operational objectives.

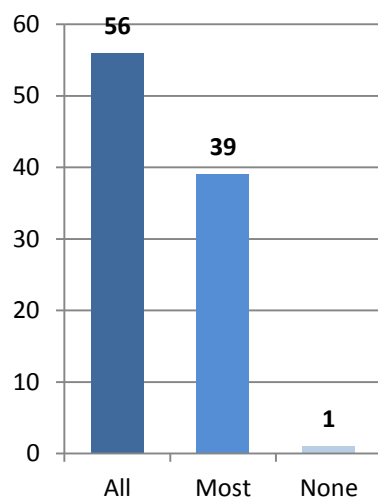
### *Achievement of project results and outcomes as reported by project partners*

Of the 96 respondents to the online survey, 56 (59%) stated that they would be able to achieve all their planned objectives on time and 39 (41%) stated that they would be able to achieve most on time. Only one was not able to achieve any of the objectives. Further, the majority of grant beneficiaries (73%) who had produced final reports, reported some evidence of obtained outcomes and impacts.

<sup>55</sup> Around 10 out of 150



**Figure 4.4** Extent to which online survey respondents reported they would achieve / had achieved all project objectives



Out of 97 respondents, 95 (98%) were/will be able to reach the expected target groups. Only one respondent reported that the expected target groups have not been reached, and another one did not know.

Of those projects which experienced project ‘success’, the key factors behind this included the expertise of the actors involved and realistic planning and project design – i.e. *“applying[ing] for something we really thought we would achieve rather than ... just for the sake of receiving funding”*.<sup>56</sup>

#### **Completion of project activities as mapped in Final Reports**

Of the 221 projects which were completed and for which final reports were available, 150 had been implemented exactly as planned, but 71 had made at least some changes to the way the projects / work programmes were implemented as compared the original design. These changes were often minor and/or driven by a recognised need to change the ‘intervention logic’ of the action and, e.g. replace activities which were considered less relevant as the project progressed with those that had proven to be useful / effective. At least two grant beneficiaries experienced major problems. One private company specialising in training on the use of evidence to prosecute cybercrime went bankrupt and the other (a national ministry) was no longer able to implement the project and returned it to the Commission.

#### **Internal and external factors influencing the implementation of projects**

Financial issues were experienced by 12 grant beneficiaries, including two national authorities. Further, one European network of probation services / authorities reported that some member countries had experienced financial difficulties making them unable to pay the membership fees and therefore unable to participate.

0 below illustrates the main drivers behind implementation issues and the number of projects they affected.

<sup>56</sup> Quote from interview with project manager.

**Table 4.1 Drivers to the implementation issues experienced by projects**

Driver to the problem	No. projects affected
Staff departure / insufficient staff	5
Lack of time	21
Unforeseen (external) obstacle	17
Financial issues / lack of funding	12
Technical reasons (e.g. problems with digital systems, with the functioning of e-justice software)	5
Circumstances which should have been identified as part of the logic model (e.g. lack of data, lack of uptake from beneficiaries, timing issues, coherence with policy developments, etc.)	15
Delays by the European Commission	2
Changes to Logic model	7

*Source: all project documentation mapped by ICF (n = 333)*

Further to the information presented in Final Reports, the online survey results suggest that even more grant beneficiaries experienced changes to staffing: of the 96 respondents to the online survey, 27 had to replace a member of staff in the course of the project/activities, 28 respondents had to replace more than one member of staff. Further, 14 respondents to the online survey had to search for additional funding to implement the activities planned. Regarding the effect of these changes on outcomes, out of 67 respondents, 44 (66%) stated that the change had/would have no impact on the outcomes of the project/activities and a further 16 (24%) reported that there would be a minor impact. A total of 7 respondents (10%) stated that this change/these changes had/will have major impact on the outcomes of the project/activities, but it was not specified in what way.

Some implementation issues should have been foreseen and taken into account as part of a risk assessment at the proposal stage. In addition to these, two other grant beneficiaries reported delays in their respective projects “due to the complexity” of the topic covered (restorative justice) and the system being implemented. However, in both cases, the complexity of the projects should have been well understood from the design phase. Similarly, when organisations report that data was not available, this is a project risk that should have been identified at project design stage.

Looking at the action grant application forms for 2008 and 2011, in 2008, grant applicants were required to identify potential risks and difficulties, as well as ‘favourable factors’ that might affect their project’s implementation, but they were not obliged to rate these or provide a risk mitigation strategy; however, from 2011, grant applicants were requested to provide mitigation strategies, and project issues still arose.

Ultimately, issues will always arise with project implementation. Some of these may be unforeseen, but for those that relate to the performance of the project team and/or to the quality of the project (and the extent to which it will be implemented effectively), effective monitoring of the projects (and troubleshooting) by the European Commission could help (see sections **Error! Reference source not found.** and 6.2.3).

## 5 Sustainability of the projects

*Were the results of the implemented actions sustainable in the long-term? How effectively have the beneficiaries and the Commission disseminated the results achieved by the implemented actions?*

In terms of sustainability, the evaluation investigated whether the results, outcomes and impacts achieved by the projects are sustainable beyond the project funding period. Three levels of sustainability were identified in the evaluation: short-term sustainability, which is achieved mainly through dissemination of projects' results (through the Commission and grant beneficiaries); medium-term sustainability, which includes continuation of project activities 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).

Of the 219 AGs and OGs mapped for which final reports were available, 121 (55%) demonstrated some evidence of sustainability, because of the continuation of: the project itself (i.e. through funding from other sources, including organisation self-funding or national funding), some specific project activities, the project partnership (in part or in full) or the use of the projects' outputs and results. The proportion of projects identifying means of continuing the project (whether in part or full) is seen as particularly positive, but perhaps not surprising given that the outputs produced as a result of JPEN projects were often targeted at national authorities and public services which would be well-placed to identify follow-on funding for useful outputs. It is likely that the overall number of projects demonstrating at least some sustainability was much greater than 55%, because most of the outputs of projects had some potential for continued use.

### 5.1 Effectiveness of the dissemination of results

Dissemination can support the sustainability of projects – particularly the continued use of project outputs and application of project results. The purpose of dissemination in the JPEN programme was to share and increase the take-up of good practices developed through the programme.

#### 5.1.1 Effectiveness of the Commission's dissemination and monitoring of results

Overall, the Commission's efforts to disseminate the results of projects were limited. There was some publication of training materials, but a general comment from DG Justice's programme management team was that during the seven years of implementation, project results were not monitored very closely, as the monitoring of project expenditure and budgets was prioritised over results-monitoring. Overall, much more could have been done to disseminate the results of projects at EU level.

There was no dedicated channel for disseminating the results of the JPEN programme. Final reports and final deliverables were not published by DG Justice (e.g. on the JPEN website) and the Commission did not take specific actions to disseminate these. Only some outputs from training projects were published on the Commission's e-Justice portal. Indeed, the Commission appears to have monitored the outputs of the training and e-justice activities much more closely than – for example – the outputs of studies, conference reports or awareness-raising outputs.

Training material produced by some of the JPEN projects was published on the e-Justice Portal. This was in line with UNESCO's 2012 Paris OER (Open Educational Resources) Declaration that "the European Commission wants to do as much as possible to promote open educational resources and open courseware for legal practitioners." Indeed, actors responsible for managing judicial training in the Commission appear to have followed the results of training activities quite closely (e.g. track total numbers trained each year). However, the training materials were only uploaded onto the e-justice portal in cases where the products were comprehensive, relevant and fit a gap in coverage. A review of the training materials available on the portal shows that those available are largely limited to the

seminars of EIPA, but the webpage also creates links to the EJTN and the 'Building Mutual Trust'<sup>57</sup> project websites which have a broader range of targeted training resources. While the Commission supports, to some extent, the sharing of materials resulting from training projects, it does little to disseminate other deliverables.

### 5.1.2 Effectiveness of the grant beneficiary's dissemination

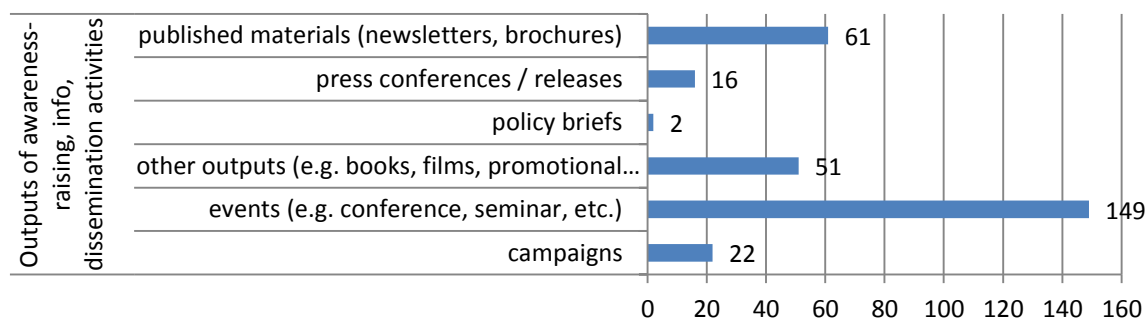
Dissemination was a requirement of the calls for action grant proposals and was encouraged by the Commission. The calls for AGs encouraged grant applicants to demonstrate a plan for dissemination; section 2.4 of the AG application forms required information on how the results will be disseminated, as well as the expected impact and sustainability of the project. The applicant's strategy for dissemination was then assessed as part of the overall assessment of quality of the project proposal. OG applicants were not required to outline a strategy for dissemination.

#### *The quality of beneficiary dissemination strategies*

Out of 95 online survey respondents, 92% (87 respondents) stated that they had a clear plan for dissemination of the results of their project/activities. An analysis of twelve AG application forms covering all priority areas and all years shows that dissemination strategies varied in quality. Two application forms (one for the 2009 AG and another for the 2010 AG) do not have dissemination strategies in place at all. Those that were considered of good quality were ones which clearly specified the target audience (e.g. named public bodies or partner network member lists), milestones for different dissemination activities and the rationale for different dissemination approaches.

The quantitative analysis of the documentation of 333 JPEN grants shows that at least 197 (59%) of all grant beneficiaries implemented awareness-raising or dissemination activities as part of their projects / work programmes. The analysis of project outputs (see Figure 5.1) reported in grant beneficiaries' final reports<sup>58</sup> shows that the main tools for dissemination were events, newsletters or brochures and other outputs. Some grant beneficiaries also set up websites to disseminate project information, but at the time of the evaluation it was found that not all project websites were maintained once project funding had ended.

**Figure 5.1** Outputs of dissemination and awareness-raising activities (n = 221)



Source: analysis of 221 grants for which final reports were available.

#### *The effectiveness of beneficiary dissemination strategies*

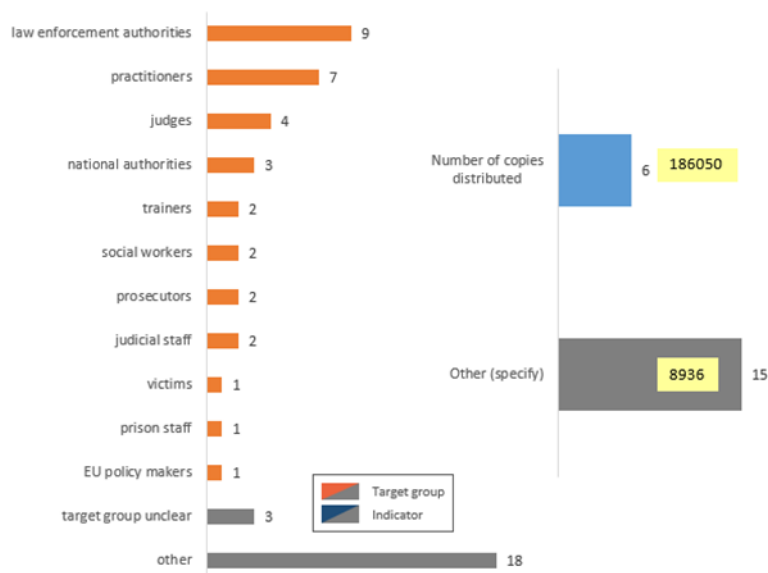
It is difficult to fully assess the effectiveness of these dissemination activities without consulting the target groups. Figure 5.2 below provides some information on the number of copies of guidelines and manuals distributed and Figure 5.3 provides information on the number of users of information / advice websites, but this information is not comprehensive

<sup>57</sup> The project supports linguistic training for legal professionals and the website makes available many language training resources for professionals.

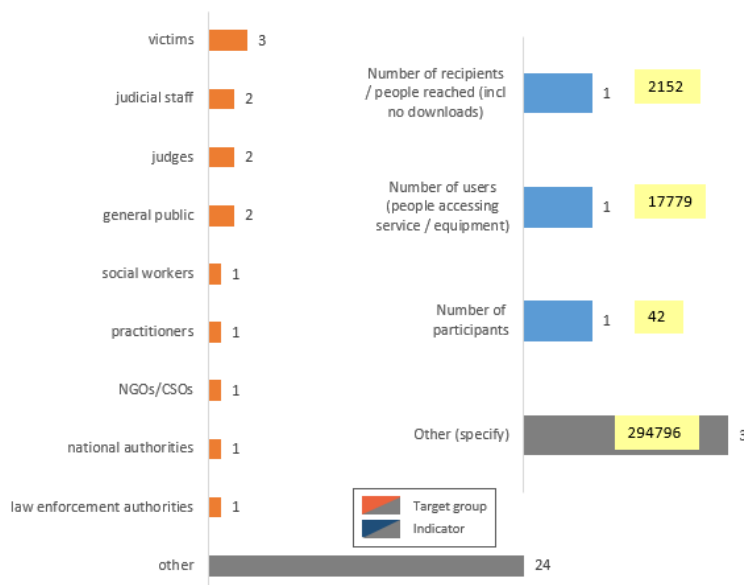
<sup>58</sup> Final reports had been submitted and finalised and were therefore available for 221 of the 302 projects.

for all outputs of the programme or for these particular outputs, as grant beneficiaries were not obliged to report this information.

**Figure 5.2 Outputs of guides/guidelines/manuals**



**Figure 5.3 Outputs of information / advice websites**



However, the fact that activities managed to engage policymakers (see section 4.1.6) and increasing contacts between authorities in different Member States (see section 4.1.5) suggests that dissemination was at least somewhat effective. A total of 44 respondents to the online survey reported that they had already successfully implemented outputs in Member States other than their own; 29 also reported that the results of the project/activities had informed the policy activities in other country(ies).

## 5.2 Sustainability through continued activities and partnerships (medium-term sustainability)

### 5.2.1 Continuation of project's activities and outputs implemented

Out of the 121 finalised projects demonstrating some evidence of sustainability in their final reports, 39 (32%) stated in their final reports that they would continue the project in full, because, in most cases, they had been able to secure further funding. These 39 projects concerned the development of tools (such as criminal records exchange systems), victim support services and restorative justice programmes – that is they concerned systems or services which had been developed and which would require further funding for their continued implementation. This was not the case for all JPEN projects, however. Indeed, where the AG or OG focussed on research, the project would not necessarily require funding for its continuation. Similarly, projects that focussed on training or mutual learning would only require further funding if the training were to be expanded to new participants.

A further 28 projects stated in their final reports that the project would continue in part, e.g. when aspects of the training would be continued, or when the findings resulting from the project would be used to develop or contribute to new projects. It can be assumed that in these cases, funding was identified for the part continuation. The results of the online survey suggested that most grant beneficiaries (71% or 61 out of 86 respondents) would require further funding to continue the project / activities.<sup>59</sup> In follow-up interviews, 25 out of 33 interviewees stated that further funding was needed for follow-up aspects of the projects such as training and translations, testing of the products developed and implementation of methodologies. However, 20 out of 33 interviewees also stated that elements such as dissemination activities and awareness-raising could be continued without additional funding.

### 5.2.2 Continuation of partnerships after the project's completion

Based on the information in final reports, it appears that 17 partnerships functioning for the implementation of JPEN grants would continue either in full or part after the project had ended. However, it is likely that – in reality – the number of partnerships that continued was higher, because 71 out of 91 respondents to the online survey (78%) stated that their partnership already was or would likely continue after completion of the project<sup>60</sup>, and also because grant beneficiaries interviewed and participating in the online survey, reported positively on the benefits of the partnerships formed under JPEN (see section 7.3.2). Evidence from the follow-up interviews with grant beneficiaries suggested that some of these partnerships had already been formed before the start of the project and that this previous partnership experience helped in facilitating the team building, team communication, problem solving and simplifying the establishment of initial contacts within the new project. In those cases the sustainability of the partnership cannot be said to be a direct result of the JPEN programme.

## 5.3 Sustainability of the results of projects

### 5.3.1 Potential sustainability and transferability of the outputs

The types of outputs and results of the JPEN funded actions were discussed in section 4.1.1. These ranged from conferences, through reports and guidelines / manuals, through training and study visits to support services and hardware / software installations. Little information was available in the final reports on the sustainability of the outputs produced by the funded actions. Nevertheless, assumptions as to the degree of sustainability of each type of output can be made as follows:

<sup>59</sup> Based on yes/no responses to the question 'Please comment on the following statements with regard to the financial sustainability of the results of your project/activities: Further funding is needed (yes/no).

<sup>60</sup> Either under the JPEN programme in another project or follow-up project or beyond the JPEN programme as explained by a grant beneficiary during a follow-up interview.

- Conferences / awareness-raising events: (i) the material produced as a result is made available after the event and can be used for continual learning / awareness-raising; (ii) the participants at the event disseminate their acquired knowledge to people who did not attend the meeting; (iii) the event instigates a change in its participants, which has a medium to long-term effect.
- Reports / studies: (i) the reports continue to be available to interested audiences (an effective dissemination plan can support this); (ii) the findings of the reports continue to be relevant to target audiences.
- Guidelines / manuals: the guidelines continue to be accessible and used.
- Training / study visits: (i) the participants disseminate their acquired knowledge to people who did not attend the training / visit; (iii) the training / visit instigates a change in its participants, which has a medium to long-term effect.
- Support services: (i) the services are continued;<sup>61</sup> (ii) the service instigates a change in its users, which has a medium to long-term effect.
- Hardware / software (including websites): The hardware / software / website is maintained and continues to be available to target audiences and/or the general public.

Disseminating outputs and results to a wide audience can increase their sustainability. The dissemination strategies applied during the programme, and their effectiveness, are described in section 5.1.2. Many of the outputs were already designed to be used at EU level (e.g. the EJTN's judicial training was designed for participants from multiple Member States and the e-Justice tools were designed for use by audiences in all Member States). Some of those that were not designed for cross-EU application were otherwise designed to be transferable to other Member States. For example, the project *Re-socialisation of offenders in the EU: enhancing the role of the civil society* developed a Prison Monitoring Index designed to be neutral to national legislative systems, in order to be applicable to every Member State, including countries outside the EU. Many of the project partners interviewed for the evaluation demonstrated that they had designed their projects around clear products, or outputs, many of which would be or could be transferred to other Member States. A total of 70 out of 89 respondents to the online survey also expressed the view that all or some outputs could be used without any changes in more than one country and an additional 22 reported that the transfer could be done with some minor changes in more than one country. More than two thirds (61 respondents) also reported that the results of the project/activities could inform the policy activities in another country (ies).

Factors that could present a barrier to the full transferability of the result were also identified by interviewees and included: adaptation to countries' specific legislation; translation requirements; maturity of other Member States' judicial system; level of priority of a specific topic in a Member State's agenda; and necessity of a specific project output (i.e. training tool or method).

### 5.3.2 Evidence of sustainability of the results

A total of 37 out of 121 (31%) finalised projects for which final reports were available provided evidence of sustained use and application of the project's outputs after funding had ended. This ranged from maintenance of judicial records systems developed to the continued application of guidelines and manuals. It was challenging for grant beneficiaries to demonstrate the sustainability of training activities so soon after the project had ended. In a few final reports, the grant beneficiaries hypothesised that those trained would apply and spread their new knowledge to colleagues and peers, but the evidence was not very strong.

Indeed, sustainability of (some) results was difficult to demonstrate in reports produced within two months of the end of the project/action.<sup>62</sup> While the maintenance of outputs, dissemination activities and – in some cases – transferability of results could be demonstrated, it was impossible to evidence longevity of use without measuring this at a future date. Sometimes it was possible to indicate sustainability by requesting the feedback

<sup>61</sup> Conditional to new sources of funding being identified.

<sup>62</sup> See Final Report Template 2013.



of target groups / end beneficiaries e.g. by asking whether they will be likely to or how they will (continue to) apply their knowledge gained. However, this does not constitute a robust indicator of sustainability, as it reflects intentions or attitudes and not actual behaviour.



## 6 Efficiency and scope for simplification

This section assesses the (cost) efficiency of the programme in terms of the sufficiency of financial resources available, the extent to which these resources were used in an efficient way, the appropriateness / proportionality of the money spent in comparison to the positive impacts achieved and the extent to which the allocation of funds among the different funding tools (action grants, operating grants, procurement contracts) was appropriate and sufficient for the implementation of the project's objectives. It also reviews the management efficiency of the Commission and considers scope for simplifying the programme management.

The analysis below shows that the budget made available to achieve the objectives was sufficient, considering that the programme objectives were well expressed (see also section 2.1.1) and not overly ambitious. With the available budget, JPEN has made a strong contribution to the building of the European area of justice. The programme complemented other EU actions and tools also working towards greater judicial cooperation and the fostering of judicial training. Grant beneficiaries also report that, on the whole, the grants were sufficient to enable them to realise their objectives and to make a difference in their area.

A comparison of allocated funds with (finally) committed funds suggests that project underspend was common towards the beginning of the programme, as commitments per call were systematically lower than initial allocations, although some improvements occurred with later calls. The reason for this initial mismatch was that JPEN was a 'new' programme, which addressed a stakeholder group which was relatively inexperienced with funding applications. The funding tools used followed a clear logic and were overall used efficiently. Considering the nature of the programme, the decision to also allow for national actions was very appropriate, as it helped stakeholders to test out new approaches and to prepare for transnational actions. Improvements were also made to OGs as the programme progressed. Nonetheless, an analysis of expenditure of some AG beneficiaries implementing similar activities and generating similar outputs shows significant disparities in expenditure, which perhaps suggest that spending could have been better monitored for efficiency.

Overall, the Commission's management became more efficient over time with the introduction of the single unit, the publication of a handbook for Commission officials and, indirectly, through the dissemination of a project management guide with the 2011 call. Overall, grant beneficiaries experienced cooperation with the Commission as positive. The grant application requirements followed a similar process to other EC centrally managed programmes and required more detailed information from the 2010 call onwards, which benefited the quality of the applications and the projects. In 2013 a guide was introduced to help applicants applying for grants under the five DG Justice programmes, ISEC and PROGRESS. Similarly, although reporting requirements became more elaborate from the 2011-2012 call onwards, additional guidance was provided to grant beneficiaries. The changes to reporting also created a more balanced approach between financial justification on the one hand and evaluation/assessment of actual results and potential impacts of the projects on the other. However, grant beneficiaries still considered the requirements to be burdensome suggesting that further guidance is needed – not only in how to complete the EU reporting requirements, but also in how grant beneficiaries can improve their own monitoring and evaluation so that the reporting requirements become less burdensome.

### 6.1 Efficiency

*Are there sufficient financial resources available for the implementation of the programmes and are they used in an efficient way? Is the amount of money spent reasonable [i.e. proportionate] in comparison to the positive impacts achieved? Is there efficient allocation of funds among the different funding tools (action grants, operating grants, procurement contracts)? Are the amounts available per project sufficient for the implementation of the project's objectives?*

The efficiency and scope for simplification of JPEN refers primarily 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.

### 6.1.1 Extent to which financial resources made available were sufficient

This subsection assesses whether sufficient financial resources were made available for the implementation of the programme. It first provides an overview of planned budget for the programme, and compares this with the objectives it wished to achieve, to assess whether these appear logical (this process is akin to a retrospective ex ante evaluation). It then reviews the overall level of programme absorption (the amounts committed versus those allocated, and the amounts paid versus those committed), based on the assumption that a slightly lower commitment rate may be indicative of the resources being sufficient (assuming that the 'demand' for funding was lower than the 'offer').

According to the annual work programmes, the total budget allocations for the implementation of JPEN 2007-2013 were 196 million euro, averaging 28 million euro per year. Funding was spread over three different funding tools, i.e. AGs, OGs and public procurement. The largest share of funding was allocated to AGs (115 million or 58% of the total programme value), followed by OGs (50 million or 25%). Public procurement had an initial allocation of 32 million, or 16%). However, when looking at the amounts allocated through the calls for proposals, AGs were allocated a total of 123 million, which is around 8 million euro more than what was stated in the annual work programmes.

**Table 6.1 Planned budgetary breakdown for the JPEN Programme (2007-2013)**

	Action Grants	Operating Grants <sup>63</sup>	Procurement	Total
	Value (€)	Value (€)	Value (€)	Value (€)
2007	22,000,000	5,900,000	1,300,000	29,200,000
2008	18,800,000	6,000,000	5,000,000	29,800,000
2009	14,900,000	8,500,000	7,000,000	30,400,000
2010	15,000,000	7,000,000	4,000,000	26,000,000
2011	13,500,000	7,000,000	6,000,000	26,500,000
2012	15,450,000	7,500,000	4,000,000	26,950,000
2013	15,210,000	7,660,000	4,640,000	27,510,000
<b>Total</b>	<b>114,860,000</b>	<b>49,560,000</b>	<b>31,940,000</b>	<b>196,360,000</b>

*JPEN Programme - Annual work programmes (2007-2013)*

The general objectives of JPEN were outlined in section 1.2.1 and the assessment of relevance, in section 2.1, confirms the appropriateness of the five general objectives, considering them attainable and realistic. The budget made available to achieve them would appear sufficient, considering that each objectives is well expressed and not overly ambitious, focussing on the key issue at stake, namely furthering the European area of justice.

However, given that the programme was introduced for the first time, targeting a specific stakeholder group (e.g. judicial authorities, legal practitioners, victims services providers and other related professionals) which would normally not benefit from EU grants and / or engage in transnational actions (and hence had little experience with grant applications and fund management), the funding allocated may have been too high, particularly in the first years, as many of the relevant stakeholders did not yet have the financial or administrative capacity to apply for and manage and implement a grant.

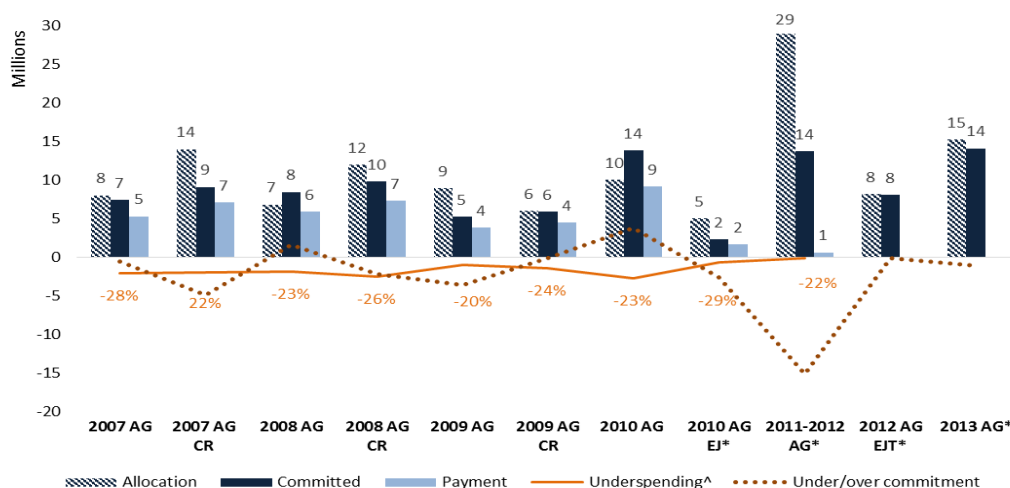
<sup>63</sup> The OG allocations also include money allocated to monopolies and framework partnerships

In addition, again considering the particular stakeholder groups addressed, there is a risk of reaching their ‘full absorption capacity’ for this type funding, considering the relatively ‘limited’ number of stakeholders able and interested in leading or taking part in projects (when compared to programmes such as Daphne III, for example, for which there is a much higher demand due to the much wider variety and higher numbers of stakeholders addressed) as well as because for many, the implementation of the grant would be something done in addition to their ‘day-to-day’ activities. This can be considered as confirmed by several aspects of the budget, such as:

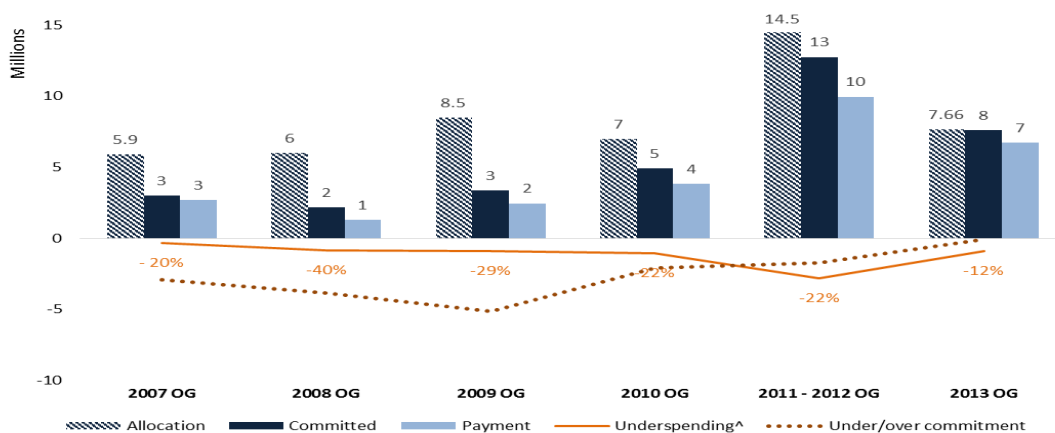
- The slightly lower amounts allocated to AGs through the first calls than what was planned in the annual work programmes, which may reflect a more ‘cautious’ approach by the Commission.
- The overall (sometimes significantly) lower amounts committed to AG and OG calls when compared to the initial allocations in the calls, as presented in Figure 6.1 below, suggesting some difficulties in attracting applications of sufficient quality, though showing some improvements over time.
- The relatively low numbers of applications per call and their high success rates in particular for the first AG calls (67% for 2007 AG, 87% for 2007 AG CR, 48% for 2008 AG and 77% for 2008 AG CR), again hinting at the relatively low initial visibility of the programme and possible difficulties in attracting stakeholders to submit applications.

When looking at the absorption rates of AGs and OGs (i.e. payments as a share of commitments), it appears that – overall - the granted budgets were slightly higher than the grant beneficiary could successfully absorb and deliver, although an average absorption rate of 76% for AGs and 80% for OGs can still be considered acceptable<sup>64</sup>, especially when taking into account the points made above with respect to the relative level of ‘inexperience’ of the grant beneficiaries. OGs also showed some improvements over time and hence a reduced underspend.

**Figure 6.1 JPEN total allocated, committed and up-to date paid funds and total over/under commitment and underspending by call for proposal (AG above, OG below)**

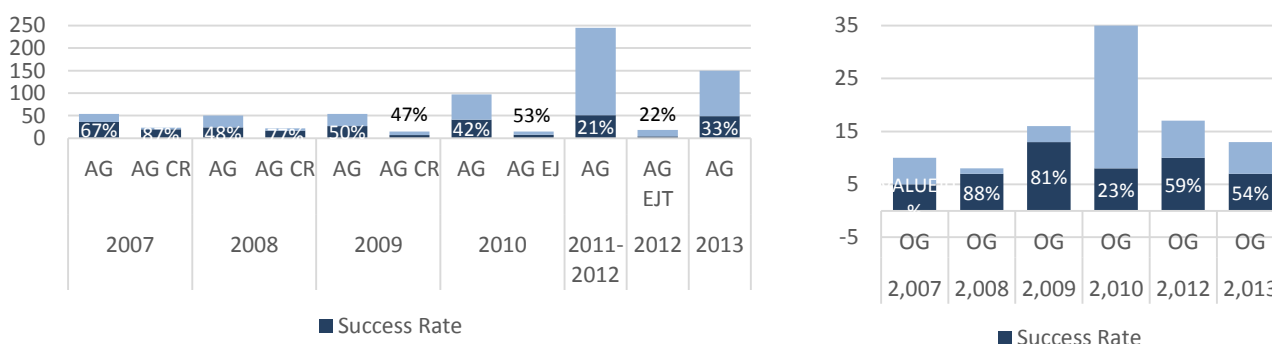


<sup>64</sup> Several programme evaluations, including Youth in Action, the EGF, the ESF and the EU Structural Funds suggest that an absorption rate >80% is acceptable especially when the programme is introducing innovation and/or requiring new stakeholders to work together. A ‘typical’ absorption evolution starts between 60-70% to then, towards the end of the programme period, arrive at 80-95% (and in some cases even 100%).



Note: The OG funding numbers also include the Framework partnership agreements (FPAs) and OG Monopolies. Allocation and projects funded in years 2011 - 2012 were merged together. ^Underspending is calculated as the difference between committed and paid funding for all finalised projects. \* Not all projects have been finalised (the spending and underspending figures only relate to finalised projects)

Figure 6.2 Selected grants as a proportion of total applications per call



With regard to procurement, the data received shows that out of the 32 million initially allocated, 21 million was committed. This would suggest that the funding made available was overall sufficient and perhaps slightly generous.

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

The total budget planned for the implementation of JPEN during the programming period was 196 million euro, of which 152 million euro was committed. Not all actions have been fully completed, which means that the total amount paid is not yet known. The average underspend to date is 23%, which although not low is acceptable<sup>65</sup> considering the type of stakeholders addressed by the programme. With these amounts, JPEN funded 282 AGs, 51 OGs and 175 procured actions. The reasonable spending levels would suggest that the financial resources were overall used in an efficient way, although some inefficiencies may have occurred due to the initial inexperience of the grant beneficiaries. The high number of grants and procurement activities also confirm programme efficiency. For procured activities, it appears that all those completed to date were fully paid.

To determine whether the financial resources made available were used in an efficient way, it is useful to analyse the inputs (i.e. costs of the project) versus the outputs produced. The data available on procured projects is insufficient to undertake an analysis of the inputs and

<sup>65</sup> A high absorption rate, in general, points at a good financial and administrative capacity of the organisation implementing the project. However, this is also to be considered in conjunction with the outputs and results of the project.

outputs, but some level of comparison is possible for grants. For grants, data is available through project documentation on (i) overall cost of the project and (ii) outputs. However, output data is not comprehensive for each project<sup>66</sup> and without information on costs / inputs by specific activities / type of expenses, undertaking a full input – output analysis is not possible.

Instead, this sub-section reviews a set of projects with ‘similar’ activities (funded through AGs and OGs) are compared in terms of their costs and generated outputs. The lowest ‘unit costs’ which have been achieved for a project deemed successful could be used as a benchmark. Given the varied characteristics of programme beneficiaries and programme contexts such benchmarks need to be considered with caution, also because information was only made available on the total cost of the grant (commitment or payment) and not by type of activity or type of expense.<sup>67</sup> For JPEN, it was possible to ‘isolate’ the following sets of projects implementing similar activities:

- Projects which exclusively developed activities in relation to training (11 AGs); and
- Projects combining analytical activities and awareness-raising activities (11 AGs).

Detailed overview tables presenting the outputs identified for two three sets of projects are presented in Annex 1, from the grant with the lowest value to the highest value.

When looking at the projects implementing training activities, these delivered outputs such as training sessions, workshops, seminars, study visits and conferences, as well as produced training manuals, presentations, handbooks, syllabus and website developments. Their budgets ranged from just over 50,000 to just over 600,000 euro. The main price differential relates to the number of training courses and the number of people which took part in the training or related events, ranging from 10 participants to a total of 1,100 participants (in as far as quantitative information was available). Other elements which contribute to projects having a higher budget than others include the travel and subsistence of the participants, training materials and other relevant documentation produced and, presumably, the duration of the training. Although, in the absence of number of days of training and information on related costs (e.g. travel and subsistence), it is difficult to establish a reliable unit cost, the difference between the costs per training per person does appear to vary significantly, ranging from around 550 euro to 2,400 euro. This may point at some level of inefficiency and the Commission could consider undertaking further benchmarking work to be able to provide grant applicants with an expected cost range for a day of training.

As mentioned above, 11 AGs had implemented a combination of analytical and awareness-raising activities, with grants ranging from 55,000 to around 475,000 euro. The analytical activities included data collection and analysis activities, surveys, methodological development, good practice presentations and other similar activities which were often subsequently presented in a report or study. As part of awareness-raising activities, very often the results of the analytical activities were disseminated and presented to a wider audience, for example through presentations at events, the organisation of events, through websites (developed or expanded for the occasion) and by producing dissemination materials such as leaflets, newsletters, etc. Considering this against the substantial difference in grant budgets, the main reasons for price differentials appear to relate, for analytical activities, to the number of reports produced, the development and delivery of training related to the analytical activity and the coverage of the analytical work (e.g. the number of countries covered). For awareness-raising activities, price differentials can in part be explained by the number of dissemination products and the publication costs of these, the size of the events organised and the type of dissemination products, with videos and television campaigns being more expensive mediums. However, as presented in the tables

<sup>66</sup> The quality and completeness of the data on outputs from grants varies greatly as it entirely depends on the varying level of detail on outputs provided in the final reports on the grants.

<sup>67</sup> This hence makes it impossible to establish any kind of unit cost, given that nearly all projects undertook a combination of different types of activities which each led to different sets of outputs.

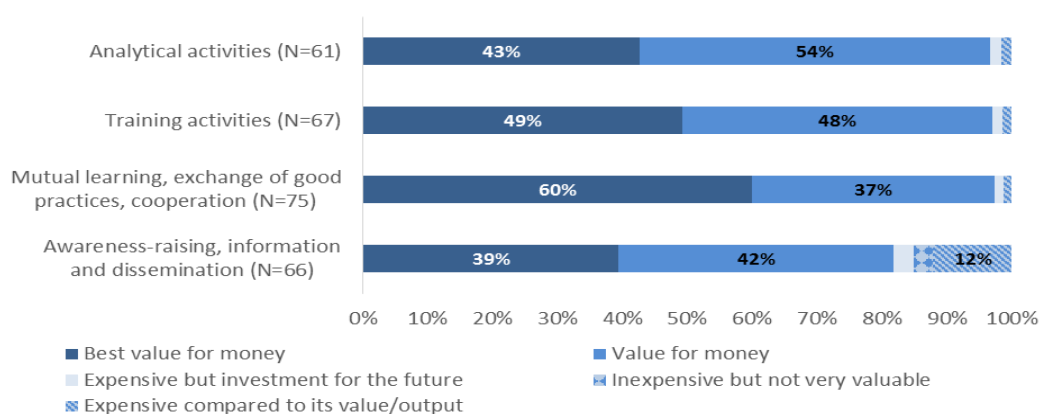
in Annex 1, while projects with small budgets indeed seem to overall have produced fewer outputs and had a more limited reach, several of the medium-sized projects appear to have led to a significantly higher number of outputs than those exceeding 400,000 euro, which may suggest some degree of inefficiency.

On the basis of the above, overall, resources appear to have been used in a reasonably efficient way, although there are substantial differences in the number of outputs generated by projects which cannot be explained by the size of their budget. This may point at inefficiencies, but may also be partly due to a lack of clear reporting on outputs and results in final reports.

Another interesting aspect, when looking at the outputs, are the strong links between analytical and awareness-raising activities, which is another indicator of efficient use of funding. Grants often started with data collection analytical activities, which were subsequently used to inform reports, but also to be used as a basis for training and guidance, and finally disseminated to a range of other products, e.g. websites and events.

The efficiency of implemented actions was also rated very high by grant beneficiaries responding to the online survey and the majority of actions were at least considered as value for money. The difference in efficiency ratings between different activities is of little statistical significance, as shown in Figure 6.3 below.

**Figure 6.3 Efficiency of actions implemented in the project/activities**



**Source:** Survey for the ex-post evaluation of the five DG Justice programmes 2007-2013. **Question 16:** ...and rate their efficiency (i.e. requiring proportionally less financial resources) in terms of reaching beneficiaries and results.

During the follow-up interviews, more substance was given to what exactly made some activities more cost-effective than others. For example:

- Awareness-raising activities do not always reach the desired target group when it comes to legal issues, especially when compared to the costs needed for these;
- Conferences and meetings, being attended by important players who can take on board the messages, can be costly but very effective.

Furthermore, several factors were mentioned as facilitating or hindering the efficiency of the activities implemented. These include:

- Whether the organisation has itself the resources to undertake certain activities (e.g. analytical activities or hosting an event on their own premises) or whether (part of) these activities have to be outsourced;
- The 'maturity' of an organisation. With the experience and expertise of implementing particular (types of) activities comes the knowhow of how to reduce spending while retaining or even increasing quality and added value;
- The profile of partners/members in the project. Their specific knowledge, skills, network, communication/marketing tools, etc. may facilitate the implementation and results of (certain) activities. For example, EU wide networks benefit from member partners' communication channels for dissemination.

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

As presented in our logical framework in Figure 1.1 in section 1.2.1, the expected impacts of JPEN were to contribute to the emergence of a European area of justice in criminal matters based on mutual recognition and mutual confidence. The expected outcomes, as also included in the logical framework, related to:

- Reinforcement of judicial cooperation
- European networks working to promote EU criminal justice are being supported
- The further development of cross-border training for professionals
- A strengthening of mutual trust with a view to protect the rights of victims and the accused.

While the expected impacts were certainly ambitious and challenging, the JPEN resources have made a strong contribution to the wider EU objective of building a European area of justice, by adding a dedicated funding stream which complemented a range of other means (e.g. legislation, policy, EU agencies). As also described in section 4.1, the programme also helped the Commission to realise several EU objectives which are part of the European area of justice.

The analysis of the finalised projects for which information was provided shows that as much as 73% of the finalised<sup>68</sup> AGs and OGs show evidence of obtained outcomes and impacts and only 16% showed no evidence of these<sup>69</sup>. Although there may be some bias as these outcomes and impacts are based on self-reporting of the grant beneficiaries, as already mentioned at the start of section 4, one should also bear in mind that overall, 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.

Although the evidence collected as part of the evaluation is perhaps insufficient to firmly conclude that the resources spent on the programme were reasonable to the outcomes and impacts achieved,<sup>70</sup> the outcomes and impacts identified would certainly suggest that spending was reasonable when looking at the programme's achievements. Overall JPEN AGs and OGs achieved positive outcomes and impacts, in particular in relation to:

- Training of the judiciary, which contributed to enhancing mutual trust, benefitted nearly 26,000 judges, prosecutors and other professionals in nearly all Member States.
- Improved cooperation between the judiciary and justice ministries of Member States, with nearly a thousand of partnerships created, most of which bilateral in nature.
- Greater compatibility of rules (or better understanding of the differences), through studies, mutual learning and the promotion of good practices aimed at harmonisation of rules. These also favoured the (better) implementation of EU legislation by increasing the knowledge and skills of those making it operational at national level.
- Addressing various obstacles to current judicial cooperation, related to a lack of understanding and knowledge, communication channels and cooperation platforms, linguistic differences, etc., through the development of appropriate services, research, mutual learning and networking.
- Increasing the capacity of organisations providing support to victims and accused.

JPEN funded, with 131 million euro, 333 mostly transnational projects, representing more than 1200 leading and partner organisations<sup>71</sup>. Finally, with an additional 21 million euro, JPEN financed 174 procured projects, which also contributed to the programme's general and specific objectives, for example by supporting the preparation of legislation, by bringing together experts to discuss certain obstacles and by communicating key messages.

<sup>68</sup> In total, 210 AGs and 50 OGs are considered to be nearly or fully finalised.

<sup>69</sup> For the remaining projects no clear evidence was available or no information.

<sup>70</sup> Also considering that around one third of the actions funded were still to be completed and that it requires time for certain outcomes and impacts to be realised.

<sup>71</sup> This figure does not account for double-counting of organisations who received more than one grant.

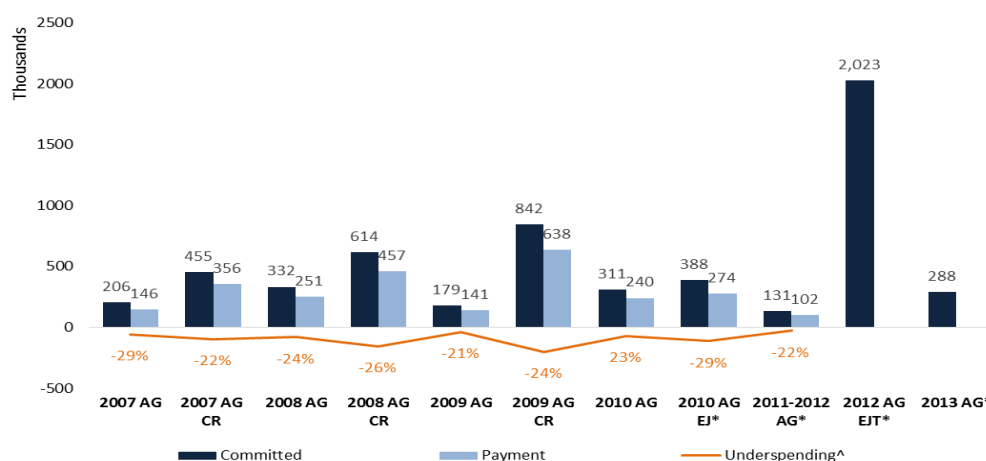
#### 6.1.4 Extent to which the allocation of funds among the different tools was efficient

Whether the allocation of funds among the different funding tools was efficient first depends on the appropriateness of these tools and the logical links between them. Each of the funding tools, i.e. AGs, OGs and procurement had a clear focus, as outlined in Section 1. While procurement could, to some extent, overlap with the activities undertaken by AGs and OGs, the former covered in general the EU level and/or all Member States. AGs allowed for both transitional and national actions, which aided the efficiency of the programme, considering the specifics of the stakeholder groups, as it helped to ‘get them ready’ for a transnational experience and test new approaches first at a national level.

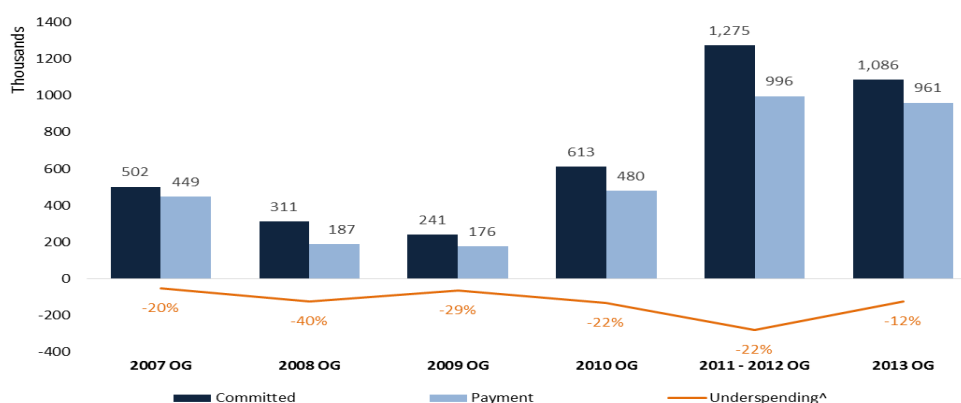
While around 123 million euro was initially allocated to AGs, 98 million euro was finally committed. Figure 6.4 below shows that the average grant budget committed per ‘non-thematic’ call ranged from an average 131,000 in the 2011-2012 call to 332,000 euro for 2008. CR calls showed higher average budget, as did the EJT call in 2012 (just over 2 million euro). Budget absorption of the AGs remained at similar levels throughout the funding period. Funding to AGs seems to have suffered some inefficiencies, especially when also considering the overall lower level of commitments and the sometimes low shares of selected actions in spite of a high commitment and high number of applications (e.g. the 2011-2012 call).

OGs committed 34 million euro against a total allocation of 50 million euro. The grant budgets’ average value ranged from 241,000 euro in 2009 to 1.275 million euro in 2011-2012. Underspending was very high in 2009 (40%) but gradually improved after that with each call. The average underspending rate was lower than for AG projects and equalled 20%. OGs appear to have been slightly more efficient than AGs. With the exception of the funding to the EJTN, Commission officials overall considered that OGs were not the preferred funding tool, considering the potential for dependency and for the implementation for activities not related to DG Justice’s policy objectives. More focus was gradually placed on the need for grant beneficiaries to promote EU policy. Other approaches, such as the establishment of framework partnership agreements, were also developed to further increase the effectiveness of OGs.

**Figure 6.4 JPEN total allocated, committed and up-to date paid funds and total over/under commitment by call for proposal by funding tool (AG above, OG below)**







The Commission also allocated an initial 32 million euro to procurement, of which 21 million euro was contracted (65%), corresponding to a total of 175 procurement contracts. 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 one amongst the three.

### 6.1.5 Extent to which the amounts per project were sufficient for the implementation of their objectives and to allow them to make a difference

Finally, to assess 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), it is useful to first examine the extent to which projects incurred an over- or underspend and second, to assess the extent to which they generated the desired results, outcomes and impacts with the amount made available. Here comparisons between projects having similar objectives and operating in similar contexts can provide useful insights.

As already mentioned in section 4.2 above, 73% of the finalised AGs (210) and OGs (50) show evidence of obtained outcomes and impacts. Project reports refer often to the positive impacts related to partnership building, cooperation with counterparts in other Member States, capacity building and learning and development, as detailed in section 4 on effectiveness. The budget absorption of JPEN is overall satisfactory, considering the specifics of the programme and its target groups, but in particular AGs showed little improvements during the programming period. According to 80% (or 77 out of 96) of the grant beneficiaries who responded to the online survey, the funds committed to their project were deemed to be sufficient to implement the activities as planned.

In terms of making a difference to the thematic area they are working in, out of 96 respondents, 64% (61) reported that their project made such difference. Moreover, out of 86 respondents, 66 respondents (76.7%) reported that their project/activities was/were considered as leading the way forward by other actors working in the same policy area with only two respondents saying this would not be the case.

Although limited data is available, procurement projects, which by their nature are expected to help the Commission achieve its objectives, also received sufficient funding to implement the activities which contributed to the achievement of these objectives.

## 6.2 Management efficiency and scope for simplification

*How efficient is the management of the programmes in terms of the requirements imposed on applicants and beneficiaries? Is there scope for simplifying the procedures for applicants and beneficiaries? How effectively have the beneficiaries and the Commission monitored and evaluated the implemented actions?*

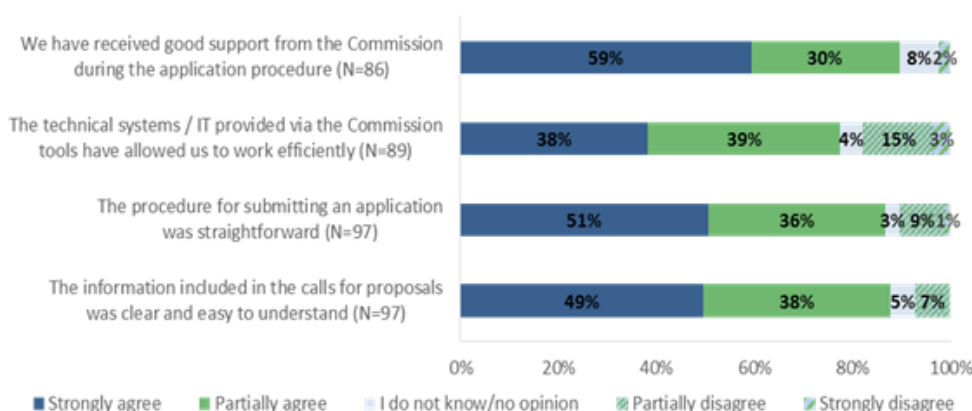
This section considers the efficiency of the Commission's management of the programme. It is structured to assess the tools and processes developed by the Commission to facilitate each stage of the programme cycle: the application phase, reporting and lastly monitoring

and evaluation. Each subsection describes the tools and processes and considers their appropriateness, based on a review of logic and comparison with the tools and processes of similar programmes. The analysis also considers the opinions of grant beneficiaries as collected through the online survey and follow-up interviews.

### 6.2.1 The application phase

Based on the online survey results, requirements for applicants to access JPEN funding were overall deemed appropriate, as presented in Figure 6.5 below.

**Figure 6.5 Responses on the online survey related to the perception of the Commission’s support during the application process**



**Source:** Survey for the ex-post evaluation of the five DG Justice programmes 2007-2013. **Question 36:** With regard to the Commission’s management of the five programmes, including the Commission’s monitoring and evaluation of your project/activities, please comment on the following statement:

#### *The information presented in the calls for proposals*

The information provided in the calls for proposals was straightforward throughout the funding period, explaining the different elements related to the application, although the document became lengthier over time, partly reflecting the increase of level of detail required in the application form, the number of priorities presented as well as the introduction (and thus explanation) on the PRIAMOS system (in 2013). The information included in the calls was clear and easy to understand according to the majority of the respondents to the online survey (i.e. 87% of respondents answered ‘strongly agree’ and ‘agree’ to both statements). However, the fact that there are different accompanying documents could be confusing and there may be scope in merging these into a single pack which would ease navigation for applicants.

#### *Procedure for submitting an application*

The application form throughout the programme requested the applicant to detail the project in terms of its content: general project information (including types of activities, partners involved and deliverables); content of the project (including problem description, objectives, relevance, innovation and EU added value), implementation of the project (approach and methodology, description of activities, risks and opportunities); financial management; results (including sustainability), evaluation and dissemination. In addition, the applicants were required to complete budget estimation forms, staff-cost analysis and a partnership declaration. From 2010, applicants were also requested to provide indicators to assess results, evidence of previous programme experience and more detail on the partners.

The most significant change to the application form, introduced with the 2010 call, requested the applicants to provide a detailed description of their activities structured around work streams. While adding a level of complexity, it increased the potential for quality of the projects, motivating the applicants to develop a more rigorous plan and cost estimation of each of their activities. Moreover, the last three general AG calls had the highest number of

applications which confirms that the increased complexity of the application form did not demotivate potential applicants to submit an application. With the 2013 call, the single Guide for Applicants was introduced covering the Five DG Justice programmes, ISEC and PROGRESS. The Single Guide contributed to simplification and efficiency both for applicants submitting proposals for different projects as well as for programme Commission officials.

Even though the vast majority of respondents seemed to have been quite comfortable with the application process (i.e. with regard to submitting the application as well concerning the information included in the calls), when asking if they requested help from persons with specific expertise and knowledge on the procedures, only 45% strongly to partially disagreed. 35% of respondents knew of organisations/projects/practitioners that did not respond to the call for proposals due to the complex/difficult requirements of the call compared to only 21% who said did not know of such organisations/projects/practitioners. The majority did not know if other organisations had experienced difficulties. It is however difficult to make a judgement based on these opinions given that in reality this percentage might be higher given since the survey did not cover unsuccessful applicants.

An overview of the number of applications and the success rate per Member State across the different calls shows that countries such as Croatia, Cyprus, Denmark, Luxembourg and Sweden for example submit lower number of applications. Countries such as Estonia and Lithuania on the other hand are proportionally less successful (see Figure 7.1 in section 7.2). This might be an indication that application guidelines were challenging for some applicants.

#### *Technical and IT system*

According to 77% of the online survey respondents, the IT tools allowed them to work efficiently (see Figure 6.5 above). Some of the respondents expressed that PRIAMOS was quite challenging at first whereas a few other respondents mentioned that, even with this electronic system, there were still too many paper copies involved during the whole project period and more things should be in an electronic format.

For the 2013 call for AGs, JPEN utilised an 'Application Package' for uploading applications onto an electronic system. The level of complexity of this approach compares with that of the system used by the LifeLong Learning Programme (LLP).<sup>72</sup> Similarly to the LLP, for JPEN (and the other programmes covered by the Single Guide) an application form had to be submitted each time an application was made, with the exception that an already registered organisation could just use its existing administrative and general information (and update it where necessary). Both the LLP and JPEN programmes also made available technical helpdesks.

### **6.2.2 Reporting requirements**

This subsection reviews the financial reporting requirements, as well as the monitoring and evaluation requirements, to examine whether potential changes to these throughout the funding period might have impacted on the level of complexity and burden on human resources. Where relevant, JPEN's reporting requirements have been compared with the reporting requirements for other EC centrally managed programmes such as for example Erasmus+. Overall, the reporting requirements (for both the financial aspects and the non-financial aspects of projects) were considered as appropriate by the vast majority of the respondents (81 out of 95 or 85%).

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<sup>72</sup> The Lifelong Learning Programme (LLP) (DG EAC – EACEA) was designed to enable people, at any stage of their life, to take part in stimulating learning experiences, as well as developing education and training across Europe. With a budget of nearly €7 billion, the programme, which ran from 2007-2013, funded a range of exchanges, study visits, and networking activities. The 2013 call for proposals key activities were: multilateral projects, networks, accompanying measures under the Sub-Programmes and Transversal Programme.

### *Financial reporting*

As part of the payment conditions, projects were requested at completion, to provide detailed information on the financial aspects of the project implementation. Analysis of the requirements show that the level of justification needed, and the way in which the financial aspects are presented, became more complex throughout the funding period. More specifically, from the 2011-2012 call onwards, financial reporting became more detailed with regard to the cost claims requirements. In support of the increased requirements, additional guidance was provided in separate documents<sup>73</sup>.

A few grant beneficiaries interviewed for the evaluation found the programme very demanding in terms of financial reporting requirements. This was because expenditure incurred in the project had to be reported in detail, using templates for costing that would change during the project cycle. One of the grant beneficiaries commented that there had been situations in which different officials of the Commission had adopted different approaches to key questions such as the eligibility of expenditure or the approval process for project adjustments, staff changes etc. Also, the Commission's budget review was time consuming as it took two to three months before they drafted the grant agreement. Introducing changes to staff working on the project was also considered to be a cumbersome process, as were notifications of budgetary transfers between activities, which in spite of being allowed by the grant agreement if less than 10%, in reality had to go through a formal authorisation process. In particular, projects with large partnerships found the financial reporting requirements burdensome.

### **6.2.3 Monitoring and evaluation requirements**

The Commission's monitoring arrangements were at least partially considered as good and helpful during the implementation of the project/activities by about 79% of the respondents to the online survey (71 out of 90 or 79%).

#### *Progress reporting*

The requirement to submit a progress report (for projects with a duration of 24 months or more) was only introduced in the 2011-2012 call as opposed to its introduction already in the second call in for example Daphne III, asking projects to report by work streams and complete an annex with quantitative information. This reflected the new structure required for the application form introduced with the 2010 call and thus made reporting more efficient, by providing the Commission with highly useful information for monitoring, evaluation and priority setting and by allowing grant beneficiaries to take stock of progress made to date / possible needs for adjustments.

#### *Final reporting*

The final reporting had been a fairly simple exercise, consisting of a narrative of the project's results including problems encountered and methods used. The 2011-2012 call, which also introduced new financial reporting requirements, asked for detailed information by work streams. The new requirements were introduced later than in other DG Justice programmes, such as Daphne III.

The new reporting requirements reflect a more balanced approach between financial justification on the one hand and evaluation/assessment of actual results and potential impacts of the projects on the other hand. However, when looking into more detail in the accompanying documents to the last call for proposals, little explanation is given to the evaluation criteria and concepts such as relevance, cost-effectiveness, dissemination, sustainability. To improve programme monitoring and evaluation, it is recommended that more guidance be provided on these issues, as well as give examples of indicators, monitoring and evaluation tools, etc. This will allow grant beneficiaries to better plan and

<sup>73</sup> Such as for example the documents on Cost claim 2011-2012, see [http://ec.europa.eu/justice/newsroom/files/jciv\\_jpen\\_2011-2012\\_cost\\_claim\\_2011-2012\\_en.pdf](http://ec.europa.eu/justice/newsroom/files/jciv_jpen_2011-2012_cost_claim_2011-2012_en.pdf)



undertake monitoring and evaluation and strengthen the quality of reports submitted to the Commission.

In comparison, the Erasmus+ Programme Guide<sup>74</sup> extensively explains what is understood by dissemination (including the importance of sharing project results and its added value to achieving the wider programme's objectives) and impact/sustainability and how best to undertake these activities/assess success detailing examples. The Erasmus+ Programme Guide further mentions that beneficiaries of the programme are expected at the end of their project to report on the dissemination activities undertaken. DG Justice could follow a similar model focussing on the main criteria relevant to the current Justice Programme.

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<sup>74</sup> [http://ec.europa.eu/programmes/erasmus-plus/documents/erasmus-plus-programme-guide\\_en.pdf](http://ec.europa.eu/programmes/erasmus-plus/documents/erasmus-plus-programme-guide_en.pdf)

## 7 European added value

*In what ways does the programme provide EU added value – i.e. what aspects of the programme bring EU added value? How “significant” is the EU added value. To what extent could the MS have achieved the same results without EU intervention?*

This section assesses the EU added value of the JPEN programme. EU added value refers to the extent to which the EU nature of the programme brings value to its stakeholders and the extent to which the EU has a comparative advantage over national and international actors working in the area. The section first defines the EU nature of the programme, and then discusses its geographical coverage. The EU added value is then discussed in terms of value brought to the EU and then to beneficiaries.

### 7.1 The EU nature of the programme

The EU nature of the JPEN programme was represented through its strong transnational dimension, as outlined in the programme objectives and in the requirements as to the eligibility of actions as stressed in the founding decision, given that the funded actions involved and benefitted either the whole EU or more than one Member State at once.

#### *Transnational dimension*

The JPEN programme had a strong transnational dimension. This can be found in the objectives of the Programme as well as in relation to the eligibility of actions as stressed in the 2007 Council Decision. Article 4 of the Decision as well as the annual work programmes state that JPEN shall support, amongst others, specific transnational projects of Union interest presented by at least two Member States or by at least one Member State and one other country which may either be an acceding or a candidate country. Organisations of third countries and international organisations may participate as associate partners but are not permitted to submit projects or be co-applicants (co-beneficiaries).

JPEN also involved a large number of EU platforms through its AGs and - particularly – through OGs (over 16% of all organisations leading actions). Such platforms necessarily involved multiple Member States forming the network and benefitted target groups from different Member States. In this sense, the work of the EU platforms also had a transnational dimension.

According to the Decision and the annual work programmes, eligible actions under JPEN also include national projects within Member States, which prepare or complement transnational projects and/or Union actions or contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level or to another Member State. A total of 40 out of 282 action grants were implemented at national level.<sup>75</sup> Even though some of the JPEN projects did not have any transnational partners, through the development of their activities and the results they achieved, these projects also contributed to EU added value given that they paved the way towards transnationality. For example, as explained by grant beneficiaries during the follow-up interviews, they added significantly to the EU level by: raising public awareness about the right deriving from EU law, ensuring a consistent and coherent implementation of EU law; contributing to the development of mutual trust among EU countries and creating practical tools and solutions that address cross-border or Union-wide challenges.

#### *Wide geographical coverage and involvement of all Member States*

As discussed in section 7.2 below, all Member States participated in the JPEN programme. However, the fact that some Member States benefitted from a larger number of grants (and thus a larger overall proportion of the total amount of funding committed through grants) may have decreased the EU added value of the programme.

<sup>75</sup> The number identified represents those projects implemented by national actors (i.e. not by European platforms), who did not have any partners.

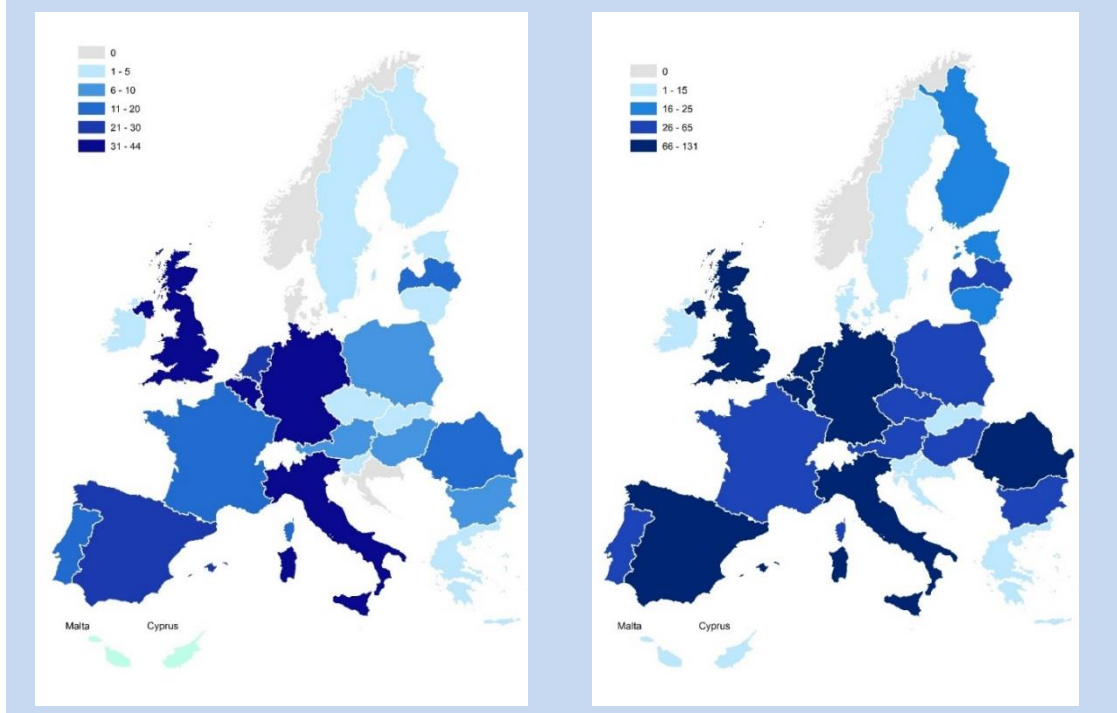
## 7.2 The geographical coverage of the projects funded

Overall, there was quite a good geographical coverage of activities across the EU. Some Member States received a larger number of grants and participated in a larger number of partnerships funded than others, but there was no Member State that did not receive a grant either as a lead organisation or as a partner (see Figure 7.1). Only Croatia<sup>76</sup> and Denmark did not lead any projects.

### *Member State participation according to the distribution of lead and partner organisations*

The figure below presents the geographical location of organisations that participated in JPEN projects per Member State. Lead organisations were clustered within four Member States: Italy, Belgium, United Kingdom and Germany. Together these Member States led 48 % (161) of all projects. It should be noted that many EU networks/platforms are registered in Belgium which increases the rate of lead organisations from Belgium.<sup>77</sup> No projects were led by organisations based in Croatia. If looking at the partner organisations, the Member State participation is more evenly spread; out of all Member States, 15 participated with more than 25 partner organisations.

**Figure 7.1 Total number of organisations participating in Criminal Justice projects, including lead (left) and partner (right) organisations**



Further, while lead organisations on average developed a higher number of partnerships with organisations from their own Member State than with organisations from other EU Member States,<sup>78</sup> up to 826 trans-national partnerships were developed as a result of the programme.<sup>79</sup> Indeed, the average number of trans-national partnerships per Member State was just under 32, with organisations based in Belgium, Germany, Italy, Spain and the

<sup>76</sup> Croatia could only lead projects following accession in 2013.

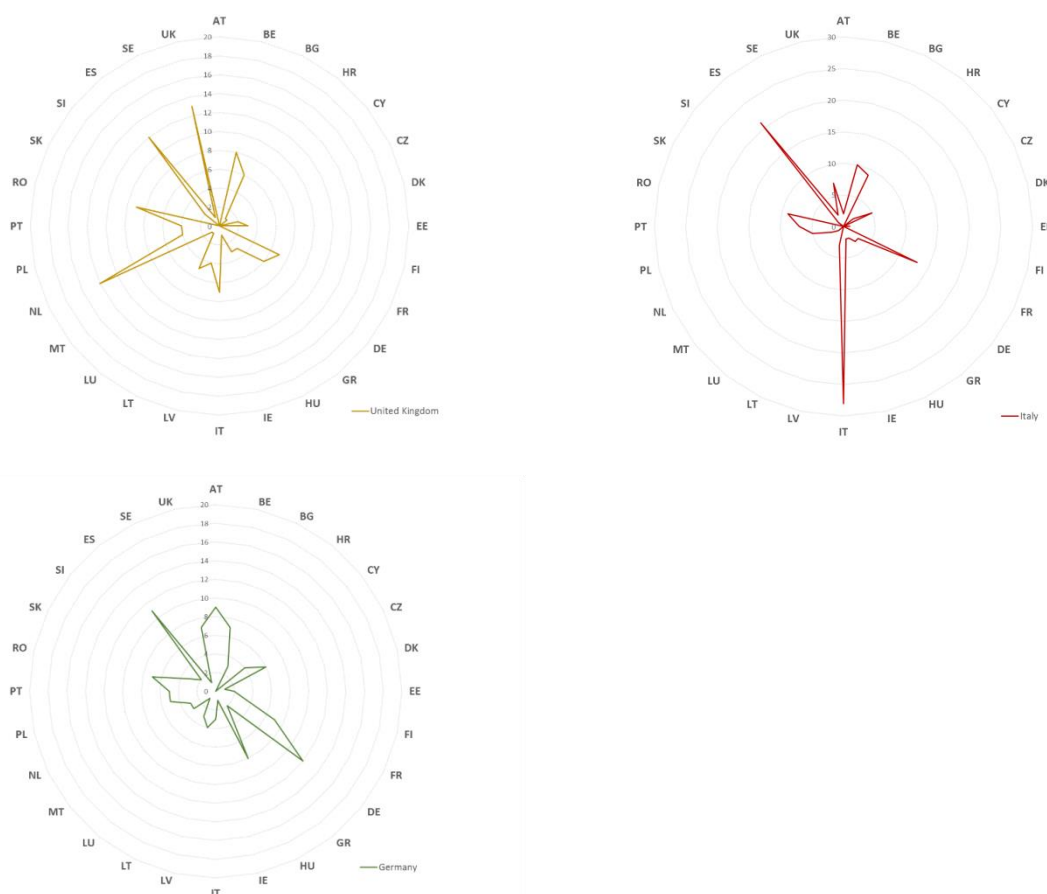
<sup>77</sup> Italy, United Kingdom and Germany commonly led AG projects (more than 31 projects was led by each Member State), whereas the main leading organisation of the OG projects were from Belgium (19 projects), followed by United Kingdom (10 projects) and Netherlands (8 projects).

<sup>78</sup> This is especially noticeable for Italy. For instance, Italian lead organisations partnered with 28 Italian partners, 21 Spanish and 13 French partners. United Kingdom lead organisations partnered with 14 Dutch partners, 13 UK partners and 12 Spanish partners. German lead organisations partnered with 12 German partners, 11 Spanish partners and 9 Austrian partners.

<sup>79</sup> Based on a calculation of the number of non-national partners each lead organisation partnered with. This number is likely to be overly high as it does not account for partnerships involving the same organisations that were used for more than one project.

United Kingdom each partnering with more than 100 organisations from other EU Member States. In terms of partnership structure, Germany, Spain, United Kingdom, Belgium and Italy were the Member States whose organisations partnered with organisations in the highest number of different Member States, each having organisations partnering with peer organisations in 21-26 different EU countries. Figure 7.2 below highlights the partnership structure for projects led by Germany, Italy and the United Kingdom, since these are the three Member States with the highest number of lead organisations. German lead organisations partnered with 26 different EU Member States (other than Germany), organisations from the United Kingdom partnered with 23 and the organisations from Italy partnered with 21 other Member States.

**Figure 7.2 Partnership structure for the Top 3 Member States of lead organisations**



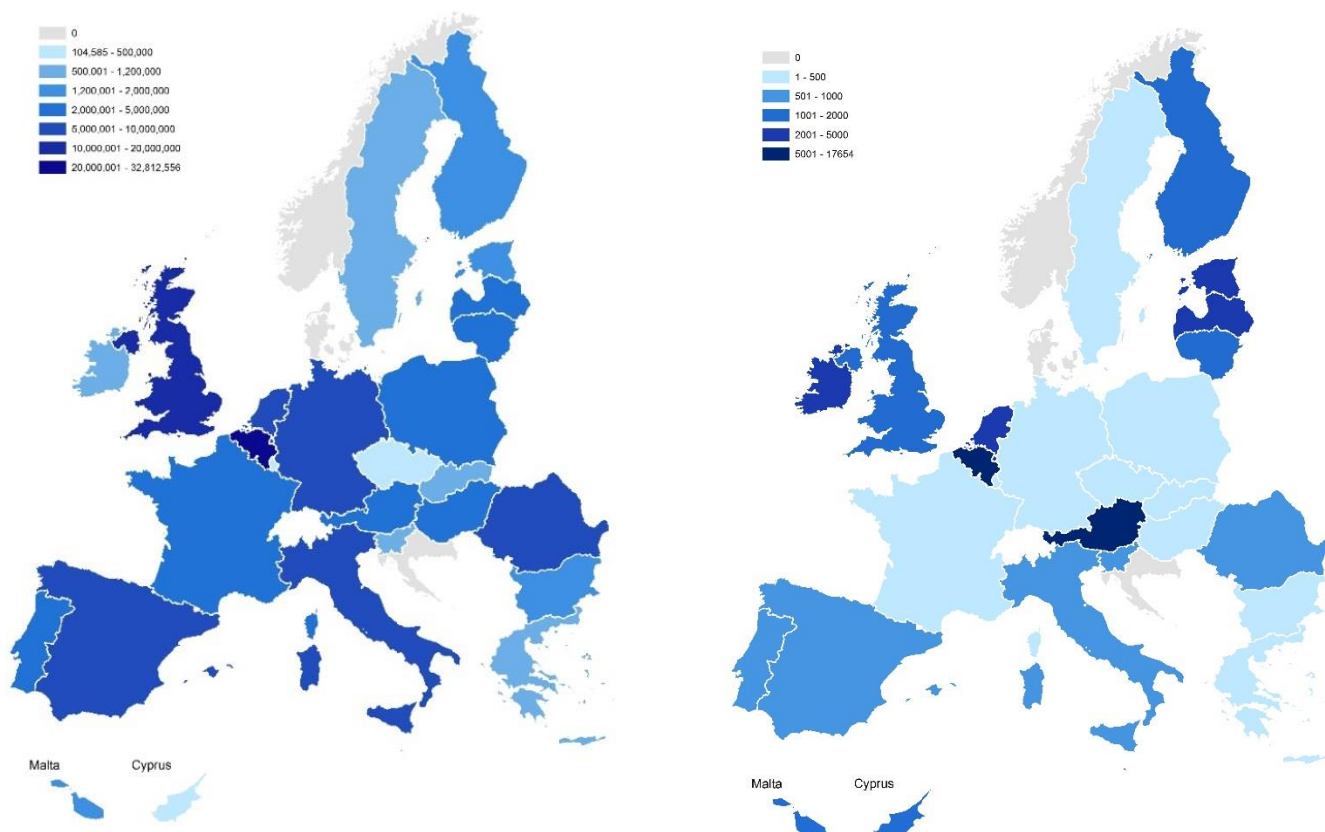
Although JPEN succeeded in involving all Member States by engaging their organisations either as lead organisations or as partner organisations, as described above, there was some disproportionality in the extent to which some Member States participated over others. While Figure 7.1 presented the distribution of grants (by number of grants) amongst Member States, Figure 7.3 below presents the distribution of grants in terms of amounts allocated (through grants) to each Member State. The figure shows that 52% of the total budget allocated to JPEN grants was committed to projects led by Belgian (30%), British (10%), Italian (6%) or Dutch (6%) organisations. As noted before, Belgian organisations include those EU platforms which accounted for a high proportion (16.92%) of all lead organisations. 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 (the majority of the projects were transnational and project partners also received part of the funding), the figure should be interpreted with caution. However, the figure does suggest that this imbalance affected the



extent to which all Member States benefitted from the programme and thus may have affected the EU added value.

The committed funding per Member State of lead organisation was further divided by the number of legal practitioners<sup>80</sup>, to account for differences in the size of the judiciary in each Member State (see Figure 7.3 right). Assuming that the committed funding to lead organisations was not shared with partners outside the Member State of the lead organisation, then JPEN spent, in 26 Member States, on average, 2619 € (with a median value of 797 €), ranging from 108 € in the Czech Republic to 17,654 € in Malta.

**Figure 7.3 Allocation of Criminal Justice committed funding by lead organisation (left) and by lead organisation per legal practitioner (right)**



## 7.3 Added value of the programme

### 7.3.1 Added value brought by the programme to the EU

The EU's objectives in relation to criminal justice are to encourage cooperation and joint working between Member States. Member States can – and do – invest in these objectives themselves (by financing study visits, training and research, etc.), but to facilitate the achievement of these objectives and to incentivise Member States to engage in the objectives, it is appropriate that the EU also co-finances such activities.

<sup>80</sup> 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/dqhl/cooperation/cepej/evaluation/2014/Rapport\\_2014\\_en.pdf](http://www.coe.int/t/dqhl/cooperation/cepej/evaluation/2014/Rapport_2014_en.pdf))

As discussed in section 2.2, the JPEN programme, through both grants and procurement was designed to achieve EU objectives. JPEN objectives clearly aligned with EU objectives on the implementation of policies and legislation in the judicial field, such as EU Directives focussing on crime victims, procedural rights and defence rights in criminal proceeding, and EU instruments focussing on detention. Section 4.1 provided evidence to demonstrate that the JPEN programme was also effective in meeting these objectives.

The activities implemented by JPEN projects also contributed to the EU dimension of the programme. When looking at the most common activities implemented (see Section 1.2.2, Figure 1.2 and Figure 1.3) under JPEN, all of them included an EU or cross-border dimension as they aimed to improve the implementation of the EU acquis in the judicial area and/or increase exchanges (information, best practice, cooperation, etc.) between Member States. For example, the Commission – in consultation – explained that the training of legal practitioners from different Member States adds significant value to the EU by creating mutual understanding of the (application of) EU law and mutual trust in the different legal systems which are prerequisites for smooth judicial cooperation and coherent application of EU law.

Box 7.1 provides some quotes from grant beneficiaries interviewed for this evaluation that illustrate how their projects supported the achievement of EU objectives.

**Box 7.1 Grant beneficiaries' comments on how JPEN projects contributed to achieving Community objectives**

*The added value of the project consisted in establishing contacts amongst judicial authorities of different Member States. During the events organised, they exchanged contact details and arranged further meetings. These contacts will surely contribute to a more successful cooperation in the future.*

*The project contributed to the establishment of a prison monitoring index, an innovative tool, which can be used in all Member States. The index facilitates the comparison of different national prison systems. The tool is innovative, user-friendly and easy to implement.*

*The project brought experts and leaders to work collectively and exchange best practice. The added value of the project consisted in the transferability of best practice across the participating countries.*

*Thanks to the project, the first comparative study of the Victims' Rights Directive was drafted. The study included national reports as well as an overall EU comparative analysis on issues related to the transposition of the Directive in each Member State.*

As mentioned in Section 2.1.2, eligible actions under JPEN also include national projects within Member States, which prepare or complement transnational projects and/or Union actions or contribute to developing innovative methods and/or technologies with a potential for transferability to actions at Union level or to another Member State. A total of 40 out of 282 action grants were implemented at national level.<sup>81</sup> A total of 33 of these focussed on the setting up of criminal records systems that would be compatible with ECRIS. Of the remaining seven, three were projects which aimed to innovate new ways of dealing with EU issues (i.e. a permanent support structure for judges working with the European Arrest Warrants (EAW), new methods for interpreting EU convictions and offences and a suicide prevention system for prison facilities) and the remaining four were studies mapping the application of EU legislation or training. The outputs of all seven projects were disseminated across the EU (i.e. in different Member States) and were of clear EU value.

**7.3.2 Added value of the programme for grant beneficiaries**

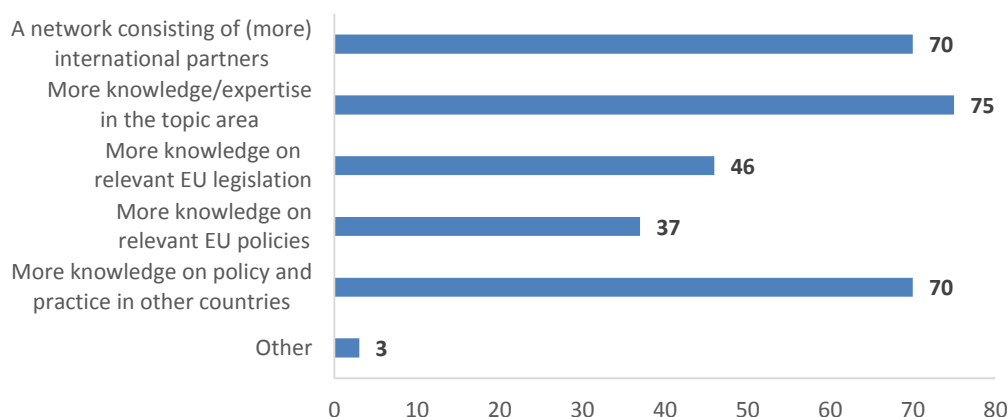
The EU added value of the programme for grant beneficiaries lay in the fact that the programme provided them with access to funding to support them in implementing their obligations under EU law – e.g. funding for training, funding for tools and funding for research to identify how obstacles to the implementation of EU law could be reduced. It also

<sup>81</sup> The number identified represents those projects implemented by national actors (i.e. not by European platforms), who did not have any partners.

facilitated judicial cooperation, which benefits those national authorities and members of the judiciary who may have to work on transnational cases or cases concerning EU criminal justice legislation. The programme also supported mutual learning between Member States, thus expanding good practices in the criminal justice area.

One of the main elements considered as bringing EU added value were the transnational partnerships established as part of projects. Project partners consulted for this evaluation reported that they found value in the working together with organisations from other countries and were overall satisfied with the cooperation established. They indicated that such experience not only contributed to achieving the objectives of the programme but also brought unique benefits to the organisations involved in these transnational exchanges. Figure 7.4 shows the results of the online survey regarding grant beneficiaries' opinion of the advantages of transnational partnerships in the JPEN programme.

**Figure 7.4 Aspects that the transnational partnership brought to the organisations implementing JPEN projects:**



**Source:** Survey for the ex-post evaluation of the five DG Justice programmes 2007-2013. N=59. **Question 29c:** What did the transnational partnership bring to your organisation? (please select all that apply)

Three respondents highlighted other positive aspects of the transnational partnerships. These were: thematic working groups,<sup>82</sup> joint expertise in the field and the exchange of information<sup>83</sup> and press contacts and political connections<sup>84</sup>. One grant beneficiary interviewed for the evaluation stated that their transnational partnership had resulted in the creation of a network of national contact points exchanging information and evidence in criminal cases, which had greatly sped up the process of evidence sharing across borders in criminal cases.

The transnational dimension of JPEN was also dependent, to some extent, on the good working relations established within the partnerships (as mentioned in Section 4). The consultation showed that the partners were overall satisfied with the partnership formed in the context of JPEN projects. In particular, the respondents were satisfied with the task allocation between partners, the number of organisations involved in the implementation of projects, the exchange of experience and lessons as well as with the overall communication. More than half of the survey respondents (62%) actually indicated that it would have been useful to include more organisations from other Member States – indeed, this may have multiplied the beneficial impacts (both for existing and new partners).

Finally, the information gathered throughout the study suggests that organisations struggle to find national funding opportunities to maintain their activities or develop other projects in the justice area. It can be assumed that a significant part of activities developed under JPEN would have not been developed in the absence of the programme. The majority of

<sup>82</sup> ID 117  
<sup>83</sup> ID 157  
<sup>84</sup> ID 221



projects/activities did not receive further funding from other instruments. Moreover, 77% of the online survey participants stated that the project/activities would not have been implemented without EU funding; only six persons (6%) indicated that it would have been implemented regardless of EU funding received. One of the survey respondents indicated that EU funding was essential for the sustainability of his organisation's activities in relation to victims' support. This may have also been due the fact that national funding was unlikely to be available for EU objectives.

## 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 summarised below.

### *Introduction*

This evaluation was based on data collected through an extensive review of the project documentation of 333 JPEN, an online survey (97 respondents), 32 follow-up interviews with grant beneficiaries, review of relevant EU policy documents and interviews with Commission officials involved in the Programme.

In terms of key characteristics of the Programme, the total planned budget for the period January 2007 until December 2013 amounted to 172.10 million €, which was allocated through three funding mechanisms: 'action grants' (AGs), 'operating grants' (OGs) and public procurement contracts. Specific AGs to co-finance European e-justice projects were included in 2010 while, in 2012, a specific call for tender was launched to implement the pilot project on European judicial training, for which a new line of funding had been established by the European Parliament and translated into a Commission financial decision<sup>85</sup>.

JPEN projects were primarily led by national authorities, such as ministries of justice/interior and the most common partners within the projects' partnerships were national NGOs, including national platforms and networks, universities and national authorities. In terms of activities implemented, for the AGs, these were mainly focused on awareness-raising, information and dissemination activities and analytical activities (22%) followed very closely by mutual learning, exchange of good practices, cooperation (21%) and training activities (19%). With regard to the OGs, the main implemented activities were: awareness-raising, information and dissemination activities (18%) and support to key actors (17%). These two activities were closely followed by mutual learning, exchange of good practices, cooperation (15%) and training activities (15%).

### *Relevance of the programme*

- The specific objectives and priorities of the programme were largely specific, attainable and realistic, but they were not always measurable or time-bound.
- Because the priority areas of the calls for proposals were accompanied by a description of the expected content of the projects, this made them more specific and helped grant applicants to ensure that their projects were relevant to EU objectives. Further, because the priority areas followed the programme objectives and EU policy objectives so closely, it was easy for the selected actions to target these objectives too.
- Services procured using JPEN funding were also very relevant to the programme and wider EU objectives, as they focussed mainly on the development of e-Justice tools (especially the e-Justice portal and its modules) or on research to support the development of legislation and policy.
- An analysis of grant application forms and information collected through consultation with grant beneficiaries shows that many grant beneficiaries either did not design their projects on the basis of a needs assessment or did not sufficiently evidence their assessment of needs in the grant application form.
- This creates a risk that more relevant or useful approaches to the project objectives might have been available.
- In spite of this, reporting by grant beneficiaries suggests that end beneficiaries responded positively to the projects indicating that they considered the actions relevant. It is, however, not possible to corroborate this without gathering the independent views of end beneficiaries.

<sup>85</sup> [http://ec.europa.eu/justice/newsroom/files/ejt\\_2012\\_en.pdf](http://ec.europa.eu/justice/newsroom/files/ejt_2012_en.pdf)

### ***Coherence and complementarity***

- Complementarity of the JPEN programme with other EU programmes and interventions was almost fully achieved, although a few projects did risk overlap with the activities of other EU interventions.
- Complementarity was achieved through mechanisms that the Commission put in place at programme design stage and at the stage of designing calls for proposals.
- At the project selection, monitoring and reporting stages of the programme cycle, the Commission applied no mechanisms to enhance complementarity, except for sharing resources (i.e. the e-Justice portal) with the JCIV programme.

### ***Effectiveness***

- Overall, the implemented actions have addressed the objectives of the programme, in particular the specific objectives related to the training of the judiciary and judicial cooperation.
- The outcome of policy-makers using project outputs to shape new policy or legislation or adjust existing ones has been achieved by those projects who involved policy-makers in the project via consultation at design stage, through briefings, meetings or involving them on the project steering board.
- It is challenging to assess the extent to which project outputs were achieved (in comparison to planned outputs), namely because the requirement for grant applicants to identify a measurable target for their outputs was only introduced by the Commission towards the end of the programme and final reports are not yet available for these projects.
- However, based on the self-reporting of grant beneficiaries (in final reports and through consultations conducted for this evaluation), it appears that most projects (around 70%) were effective at achieving their outputs as proposed, but nearly a third were not as effective because they did not achieve all their objectives.

### ***Sustainability and dissemination***

- Of the 219 AGs and OGs mapped for which final reports were available, 121 (55%) demonstrated some evidence of sustainability, either because further project funding had been secured, because some activities would continue, because the partnership would continue (in part or in full) or because the outputs and results of the project would continue to be used.
- It is likely that the overall number of projects demonstrating at least some sustainability was much greater than 55%, because most of the outputs of projects had some potential for continued use.
- Indeed, it was challenging for grant beneficiaries to demonstrate sustainability of their project in final reporting, because there was only two months between project closure and the reporting deadline, which is not really sufficient time to show sustainability.
- The proportion of projects (32%) that identified further funding to continue the project (according to final reports) is seen as particularly positive, but perhaps not surprising given that the outputs produced as a result of JPEN projects were often targeted at national authorities and public services which would be well-placed to identify follow-on funding for useful outputs.
- Overall, the Commission's efforts to disseminate the results of projects were limited, except in relation to training materials, some of which were published on the e-Justice website.
- It is difficult to fully assess the effectiveness of grant beneficiaries' dissemination activities without consulting the target groups; information on the number of users and target groups reached in final reporting is not comprehensive, since the reporting of such information was not an obligation of the programme. Nonetheless, the fact that activities were effective at attracting the attention of policymakers and increasing contacts between authorities in different Member States suggests that dissemination was at least somewhat effective.

### *Efficiency*

- The funding made available to JPEN was sufficient and could possibly have been less for both AGs and OGs, considering that it was a 'new' programme, focussing on a 'new' and relatively inexperienced stakeholder group. Commitments have systematically been lower than initial allocations, albeit showing some improvements.
- Some improvements could be made to the efficient use of resources, in particular considering the average underspend and the price differentials between AGs.
- With the available budget, the programme made a strong contribution to the European area of justice and complemented other EU action and tools. It also achieved very positive outcomes and impacts in relation to judicial cooperation, improving knowledge and skills and mutual learning and understanding.
- Based on the information available on funding, it seems that there was sufficient money available for grants to realise their objectives and to make a difference.
- The Commission's management has become more efficient over time and grant beneficiaries experienced cooperation with the Commission as positive.
- The level of detail required in the application form increased from the 2010 call onwards, which has benefited both the Commission (in terms of quality and usefulness of the reports) and the applicants (allowing them to plan and estimate their activities more accurately). This included the introduction of work streams.
- Reporting requirements (for both the financial aspects and the non-financial aspects of projects) were considered as appropriate by the vast majority of the respondents (85%).
- The Commission's monitoring arrangements were at least partially considered as good and helpful during the implementation of the project/activities by about 79% of the respondents to the online survey.
- The requirement to submit a progress report (for projects with a duration of 24 months or more) was introduced in the 2011-2012 call asking grant beneficiaries to report by the work streams as well as an annex detailing quantitative information of the project.
- The 2011-2012 call also introduced new requirements for the final report, again asking for a detailed description of achievements by work streams and introducing new sections.
- The new reporting requirements reflect a more balanced approach between financial justification on the one hand and evaluation/assessment of actual results and potential impacts of the projects on the other hand.

### *EU added value*

- The EU nature of the JPEN programme was represented through two features: a strong transnational dimension and its involvement of all EU Member States.
- All Member States participated in the JPEN programme either as a lead organisation or a partner. Only Croatia did not lead any grants.
- Through both grants and procurement the programme was used to achieve EU objectives and its objectives aligned clearly with the EU objectives on the implementation of policies and legislation in the judicial field.
- The EU added value of the programme for grant beneficiaries lay in the fact that the programme provided them with access to funding to support them in implementing their obligations under EU law. It was appropriate that the EU incentivised and facilitated the implementation of these obligations – and the achievement of EU objectives - through this fund. Grant beneficiaries also gained a lot of value from the transnational nature of the programme.



## Annexes

Annexes are provided as a separate document