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DRAFT STATEMENT OF THE COUNCIL'S REASONS

Subject: Position of the Council at the first reading in view of the adoption of the Proposal for a Regulation of the European Parliament and of the Council establishing the Justice programme
– Draft Statement of the Council's reasons

I. INTRODUCTION

1. On 30 May 2018, the Commission adopted the proposal for a Regulation of the European Parliament and of the Council establishing the Justice Programme¹ (hereinafter: the Regulation).
2. The European Economic and Social Committee adopted its opinion on 18 October 2018.
3. The examination of the proposal started in July and was completed in December 2018. On 19 December 2018, the Permanent Representatives Committee granted a partial mandate for negotiations². Since the Regulation is one of the package of proposals linked to the Multiannual Financial Framework (hereinafter: MFF), all provisions with budgetary implications or of a horizontal nature were set aside, pending further progress on the MFF.
4. The European Parliament adopted its position on 6 February 2019. Two trilogues were organised, on 20 February and 5 March 2019. Within the Council, two meetings of the ad hoc Working Party on JHA Financial Instruments were organised to inform Member States on the progress of the negotiations and receive their feed-back, which took place on 28 February and 4 March 2019.
5. These negotiations allowed to reach a common understanding with the European Parliament on the non-bracketed parts of the proposal, for which the Presidency had been granted a mandate. The outcome of those negotiations is set out in document [7248/1/19](#). On 13 March 2019, the Permanent Representatives Committee confirmed the common understanding reached with the European Parliament.

¹ [9598/18](#)

² [15377/18](#)

6. The European Parliament confirmed the common understanding on 17 April 2019, through the adoption of its legislative resolution (first reading).
7. On 16 November 2020, the Permanent Representatives Committee examined the provisional political agreement reached by negotiators on the Multiannual Financial Framework 2021-2027. This allowed the Permanent Representatives Committee to adopt the full mandate for negotiations on the Justice programme, on 2 December 2020³.
8. Two trilogues were held on 11 and 18 December 2020. They were accompanied by several technical meetings and drafting sessions.
9. A provisional political agreement with the European Parliament was reached on 18 December 2020.
10. Meanwhile, on 17 December 2020, the various elements of the MFF package were formally adopted by Council.
11. On 3 February 2021, the Permanent Representatives Committee analysed the final compromise text and expressed its support for it.
12. On 5 February 2021, the Chairs of the European Parliament's Committees on Legal Affairs and of the Civil Liberties, Justice and Home Affairs sent a letter to the Chair of the Permanent Representatives Committee (Part 2) (hereinafter "Coreper"), confirming the European Parliament's agreement on the outcome of interinstitutional negotiations (subject to legal-linguistic verification by both institutions).
13. On 17 February 2021, Coreper reached a political agreement on the compromise text.

³ 13420/21

II. OBJECTIVE

14. The proposal for a Regulation establishing the Justice Programme aims at supporting the further development of a European area of justice based on the Union's values, the rule of law and mutual recognition and trust, in particular by facilitating access to justice, and at promoting judicial cooperation in civil and criminal matters, as well as the effectiveness of national justice systems. Together with the Citizens, Equality, Rights and Values programme, the new programme will form part of a new Justice, Rights and Values Fund, helping to sustain open, democratic, pluralist and inclusive societies. It will also help to empower citizens by protecting and promoting rights and values and by further developing an EU area of justice.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

Common understanding

15. The common understanding largely reflected the original Commission proposal and was in line with the Council partial mandate.
16. The following improvements were made:
- a) inclusion of legal professionals working with civil society organisations (CSOs) as potential beneficiaries;
 - b) increased role of CSOs;
 - c) reinforcement of gender equality (namely with the addition of a new specific Article on gender mainstreaming) and non discrimination;
 - d) further specification of the actions to be funded under the Justice Programme.

Main features of the final compromise

17. The final text, as agreed by the two co-legislators, represents a balanced compromise. In the negotiations launched in 2020 three subjects were the subject of special discussions:
- a) in terms of governance of the programme, the use of implementing acts for the adoption of the work programme, in line with the original proposal and the Council mandate, was confirmed;
 - b) reinforcement of the clauses on rule of law;
 - c) with respect to the allocation of funds, a limited earmarking was introduced in the Regulation, in relation to the funding to be allocated to the objectives of the Regulation. A flexibility margin has also been provided, to support each of the objectives defined by the Regulation, to support, as a priority, actions aimed at promoting the rule of law. This limited earmarking, even if not envisaged in the original Commission proposal, built on a similar allocation of funds provided for in the Regulation which establishes the Justice Programme 2014-2020.

IV. CONCLUSION

18. The Council's position at first reading reflects the compromise reached in negotiations between the Council and the European Parliament. This was confirmed by the above mentioned letter from the Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs and subsequently endorsed by Coreper on 17 February 2021.