

**EUROPEAN COMMISSION**  
**DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS**

Director-General

Brussels,  
 JUST/04/JH/GS ARES(2016)

**DECISION**

**ON A FIRST NON-SUBSTANTIAL MODIFICATION**

**OF THE COMMISSION IMPLEMENTING DECISION C(2016) 1677 OF 23.3.2016  
 CONCERNING THE ADOPTION OF THE WORK PROGRAMME FOR 2016 AND THE FINANCING  
 FOR THE IMPLEMENTATION OF THE JUSTICE PROGRAMME**

**WHEREAS:**

- (1) The Commission has adopted the Commission Implementing Decision C(2016) 1677 of 23 March 2016 concerning the adoption of a financing decision for 2016 of the Justice Programme (hereinafter referred to as the 'Financing Decision under modification'). Article 3 of this Decision stipulates that cumulated changes to the allocations to specific actions not exceeding 20% of the maximum contribution authorised by the Financing Decision are not considered to be substantial within the meaning of Article 94(4) of the Rules of Application, provided that they do not significantly affect the nature of the actions and objective of the work programme.
- (2) Under budget line 33 03 01, in the *Call for proposals to support training of national judges in EU competition law and judicial cooperation between national competition law judges (2.2.2)*, one stand-alone priority "*improving and/or creating cooperation/networks*" is deleted and becomes instead an aspect to be considered under the other remaining priorities. Preference will be given to projects encouraging networking and addressing judges from several member states.
- (3) Under the same Call, a clarification is introduced stating that the aim of the training activities is to ensure coherent and effective application "*of EU competition rules and improve legal linguistic skills*" by national courts.
- (4) Under the same Call a financial provision is corrected. The term *per diem* refers to very specific unit costs only, so that has been replaced by the more accurate term "*meals/refreshments*".
- (5) Under the same Call, a linguistic clarification aims to avoid confusion between main priorities and other aspects to which "*priority will be given*". The latter, not referring to what was called main priority, is defined as "*preference*".
- (6) Under the same Call, additional preferences are introduced: "*Provide for a training foreseeing consecutive levels, building up one on another*" in order to signal that differentiated training will be welcome. Furthermore the former stand-alone priority becomes a preference applicable in the selection of the two remaining priorities: "*Address judges from several member states in one training and thus encourage networking*".

- (7) Moreover, under the same Call, the minimum level of grants is increased from EUR 10 000 to EUR 50 000. The upper threshold remains EUR 400 000. This is to attract more differentiated and thorough projects, offering distinct levels of trainings within the duration of the projects lifecycle.
- (8) Under the same budget line 33 03 01, Procurement (2.4) it is explained in one additional point what kind of judicial training may also be envisaged: "*Provision of targeted training activities (seminars, workshops, conferences, electronic and paper publications and learning tools etc.) aiming to contribute to a coherent and effective application of EU competition rules and improve legal linguistic skills of national courts. This includes both, antitrust rules (Articles 101 and 102 TFEU) and state aid rules (Article 107 and 108 TFEU) (Q 4 2016).*"
- (9) Under the Procurement (2.4), the indicative number of new contracts should be increased to 10, taking into account a possibility of concluding a framework contract and several specific contracts under that framework contract. The indicative number of specific contracts based on framework contracts envisaged is raised to 30.
- (10) In accordance with the principles of a sound financial management and in the pursuit of the objectives of the DG Justice and DG Competition these adjustments are motivated to receive better quality proposals to be funded.
- (11) Under budget line 33 03 01, the call for proposals JUST/2016/JACC/OG/NETW (section 2.3.2.) implements activities *to facilitate effective access to justice for all*. The total request made by the framework partners under this specific objective exceeds the budget made available in the work programme.
- (12) Under the same budget line 33 03 01, savings have been made of at least EUR 96 200 in the implementation of the procurement activities with the specific objective *to facilitate effective access to justice for all* (section 2.4.).
- (13) Under budget line 33 03 02, the call for proposals JUST/2016/JCOO/OG/NETW (section 1.3.1.) implements activities *to facilitate support judicial cooperation in civil and criminal matters*. The total request made by the framework partners under this specific objective exceeds the budget made available in the work programme.
- (14) Under the same budget line 33 03 02, savings of at least EUR 16 200 have been made in the implementation of procurement activities with the specific *objective to facilitate and support judicial cooperation in civil and criminal matters* (section 1.4.).
- (15) In accordance with the principle of sound financial management a transfer of funds should take place from procurement activities to operating grants in budget line 33 03 01 and a second transfer from procurement activities to operating grants in budget line 33 03 02.
- (16) Due to its limited impact and due to the fact that these are adjustments and clarifications of the activities within the same budget line, covered by the Financing Decision, these suggestions do not significantly affect the nature of the action and the objective of the Financing Decision under modification. Therefore they can be considered non-substantial.

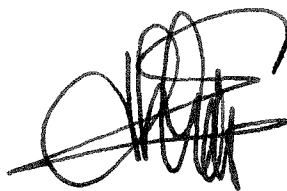
I hereby decide the following:


#### Article 1

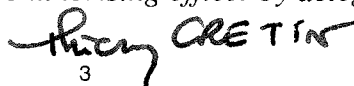
1. Under budget line 33 03 01, under the Call for proposals to support training of national judges in EU competition law and judicial cooperation between national competition law judges the following changes are introduced:
  - The priority "*improving and/or creating cooperation/networks*" is deleted.
  - The wording of the description of the activities to be funded under the call for proposals is adjusted to "*This call will fund training activities aiming to ensure a coherent and effective application of EU competition rules and improve of legal linguistic skills by national courts.*"
  - The term "*per diem*" is replaced by "*meals/refreshments*".
  - The term "*preference*" is introduced to avoid confusion between main priorities and other priorities.
  - Two additional preferences are introduced: "*Provide for a training foreseeing consecutive levels, building up one on another*" and "*Address judges from several member states in one training and thus encourage networking*".
  - The eligible minimum level of grants is raised from EUR 10 000 to EUR 50 000.
  - An additional specific objective of judicial training is introduced: "*Provision of targeted training activities (seminars, workshops, conferences, electronic and paper publications and learning tools etc.) aiming to contribute to a coherent and effective application of EU competition rules and improve legal linguistic skills of national courts. This includes both, antitrust rules (Articles 101 and 102 TFEU) and state aid rules (Article 107 and 108 TFEU) (Q 4 2016)*".
  - The indicative number of new contracts is increased to 10, and the indicative number of specific contracts based on framework contracts envisaged is raised to 30.
2. Under budget line 33 03 01, the indicative amount for activity 2.3.2. *Operating grants 2016 under Framework Partnership Agreements in the area of access to justice* is increased to EUR 2 096 200.
3. Under budget line 33 03 02, the indicative amount for activity 1.3.1. *Operating grants 2016 under Framework Partnership Agreements in the area of facilitating and supporting judicial cooperation in civil and/or criminal matters* is increased to EUR 1 096 200.

#### Article 2

All Articles and all remaining sections of the Annex of the Financing Decision under modification remain unchanged by this Decision.



 Tiina ASTOLA  
Authorising officer by delegation

  
3

## ANNEX I

### 2. BUDGET LINE 33 03 01: SUPPORTING AND PROMOTING JUDICIAL TRAINING AND FACILITATING EFFECTIVE ACCESS TO JUSTICE FOR ALL

#### 2.2 Action Grants

##### *2.2.2. Call for proposals to support training of national judges in EU competition law and judicial cooperation between national competition law judges*

#### LEGAL BASIS

Art. 4 and 6(1) of Regulation (EU) No 1382/2013

**Specific objective: to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture**

#### BUDGET LINE

33 03 01

#### Priorities of the year, objectives pursued and expected results

The aim of this call is to contribute to an effective and coherent application of EU competition law in the Member States. This includes Articles 101 and 102 TFEU, the State aid rules, including Article 107 and 108 TFEU, and the private enforcement of the EU competition rules before national courts, including antitrust damages actions.

The priority areas of this call for proposals are:

- Improvement of knowledge, application and interpretation of EU competition law;
- Development of legal linguistic skills of national judges. ~~Improving and/or creating cooperation/networks~~

#### Description of the activities to be funded under the call for proposals

This call will fund:

- training activities aiming to ensure a coherent and effective application of EU competition rules and improve legal linguistic skills by national courts.

~~of the EU competition rules;~~

~~activities aiming to improve and encourage the cooperation between national competition law judges; this includes the application of specific cooperation mechanisms between national judges and competition authorities (see the specific cooperation rules under or ), as well as networking and exchange between national judges.~~

#### Distribution of financial support between different priorities and allocation of points

When deciding on the allocation of grants, a fair balance between priorities will be sought. The Commission shall therefore finance at least two projects (if enough applications are submitted in compliance with the essential eligibility and award criteria) ~~offer~~ each of the above ~~23~~ priority areas (as main priority).

Moreover, ~~p-Preference~~ priority will be given to projects that:

- Provide for a training foreseeing consecutive levels, building up one on another;
- Do not simply duplicate/overlap existing/planned training material or existing/future projects but that act in complementarity or that innovate
- Address judges from several member states in one training and thus encourage networking

#### Financial provisions

Beneficiaries shall declare eligible costs for accommodation and ~~meals/refreshments per diems~~ of participants/speakers/interpreters of the trainings on the basis of unit costs, the amounts of which are established in accordance with Commission Decision C(2008)6215 approving the General implementing provisions adopting the Guide to missions for officials and other servants of the European Commission, unless a specific ad hoc decision(s) is adopted in the meantime.

50% daily rate will apply to ~~meals/refreshments per diems~~ for half day seminars. These unit costs give a reasonable approximation of the costs typically incurred by persons staying in a different location than their own, no matter for what purpose.

The use of unit costs is justified by the nature of the eligible costs covered by the unit costs (accommodation and subsistence costs for the participants/speakers/interpreters in the trainings requiring the extensive verification of actual costs incurred for relatively small amounts). The authorisation of unit costs will simplify the management of the grants by alleviating the administrative and financial burden for the beneficiaries when reporting and for the Commission when verifying the costs actually incurred.

The majority of beneficiaries participating in this call will be public entities, thus the risk of fraud or irregularities is assessed as relatively low.

The compliance with the co-financing principle will be ensured by the application of the applicable co-financing rate to the eligible costs declared on the basis of unit costs.

The compliance with the no-profit principle will be ensured at the time of verification of the final financial statement of the beneficiary.

Avoidance of double financing is ensured by clear identification of the categories of costs covered by the unit costs (accommodation costs and ~~meals/refreshments per diems~~ of participants in trainings).

#### Essential eligibility and award criteria

1. To be **eligible**, grant applications must comply with all of the following criteria:

- (a) the project must be submitted by authorities, public or private organisations duly established in one of the eligible countries, or an international organisation. Organisations which are profit-oriented must submit applications in partnership with public entities or private non-profit organisations.
- (b) the project must target the members of the target group as defined in the call for proposal;
- (c) the EU grant applied for cannot be lower than EUR ~~540 000-0 000~~ or higher than EUR 400 000;
- (d) the project must not have started prior to the date of submission of the grant application.

2. Proposals will be assessed based on the following **award criteria**:

- (a) Relevance to the objectives, ~~and~~ priorities and preferences of the call;
- (b) The intrinsic quality of the project as regards its design, presentation, organisation and implementation;
- (c) Geographical scope of the project in terms of partners, participants and target group;
- (d) Expected results, dissemination and sustainability;
- (e) Cost-effectiveness.

#### Implementation

By DG COMP based on a co-delegation

## Indicative timetable and indicative amount of the call for proposals

Reference	Date	Amount
COMP/2016	Q2 2016	1 000 000 EUR

### Maximum possible rate of co-financing of the eligible costs

80% as normal maximum rate.

90% in exceptional and duly justified cases, notably for:

- European, national or sub-national entities specifically created with the purpose of training "judicial staff" as defined in the Call for Proposals;
- European, national and sub-national associations of competition law judges;
- applicants originating from EU Member States under financial assistance or surveillance (Cyprus, Greece, Hungary, Ireland, Latvia, Portugal, Romania and Spain).

## 2.4. Procurement

### LEGAL BASIS

Art. 4 and 6(1) of Regulation (EU) No 1382/2013

**Specific objective: to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture**

### BUDGET LINE

33 03 01

Subject matter of the contracts envisaged (study / technical assistance / evaluation / survey / IT / communication services/etc.)

In 2016 the Commission intends to undertake several actions through contracts following public procurement (calls for tenders and framework contracts) or administrative arrangements. Conferences, expert meetings, seminars, communication activities may be organised and studies and impact assessments may be undertaken as far as they are needed in order to prepare, or accompany new legislation or to respond to policy changes in the area covered by the Programme. The total budget envisaged for these types of actions by DG Justice is EUR 6 420 000. It may cover in particular the following actions:

- Specific objective: judicial training
  - Conference on European judicial training to counter terrorism/ radicalisation (Q2 2016; framework contract)
  - Actions implementing the recommendations of the expert group on European judicial training (Q3 2016, framework contract);
  - Creation and setting-up of a web-portal on trainings on competition law (Q2-Q3 2016, call for tenders or framework contract, DG COMP);
  - Organisation of conferences with European, national and/or sub-national associations of competition law judges and/or with individual changes (Q2-Q4 2016, new contract or

framework contract, DG COMP);

- Provision of targeted training activities (seminars, workshops, conferences, electronic and paper publications and learning tools etc.) aiming to contribute to a coherent and effective application of EU competition rules and improve legal linguistic skills of national courts. This includes both, antitrust rules (Articles 101 and 102 TFEU) and state aid rules (Article 107 and 108 TFEU) (Q 4 2016).

Indicative number of new contracts envisaged: 103

Indicative number of specific contracts based on framework contracts envisaged: 3028

Implementation

By DG Justice and, where indicated, by DIGIT or DG COMP based on a co-delegation

## ANNEX II

### 1. BUDGET LINE 33 03 02: FACILITATING AND SUPPORTING JUDICIAL COOPERATION IN CIVIL AND CRIMINAL MATTERS

**Under point 1.1. of the Justice Programme, the following table must be amended:**

- for action grants (implemented under direct management) (1.2):	9 000 000 EUR
- for operating grants (implemented under direct management) (1.3):	1 096 200 EUR
- for procurement (implemented under direct management) (1.4):	4 438 800 EUR
- other (1.5):	35 000 EUR
<b>TOTAL:</b>	<b>14 415 000 EUR</b>

### 2. BUDGET LINE 33 03 01: SUPPORTING AND PROMOTING JUDICIAL TRAINING AND FACILITATING EFFECTIVE ACCESS TO JUSTICE FOR ALL

Table breakdown per specific objective:

SPECIFIC OBJECTIVE	Amount
<b>to support and promote judicial training, including language training on legal terminology, with a view to fostering a common legal and judicial culture</b>	<b>16 900 000 EUR</b>
Action grants (2.2.1, 2.2.2)	6 700 000 EUR
Operating grant to beneficiary identified in the legal base (2.3.1)	9 500 000 EUR
Procurement (2.4)	700 000 EUR
<b>to facilitate effective access to justice for all, including to promote and support the rights of victims of crime, while respecting the rights of the defence</b>	<b>16 268 000 EUR</b>
Action grants (2.2.3, 2.2.4, 2.2.5)	8 548 000 EUR
Operating grants (2.3.2, 2.3.3, 2.3.4)	2 096 200 EUR
Procurement (2.4)	5 623 800 EUR
<b>TOTAL</b>	<b>33 168 000 EUR</b>