Public consultation on future funding activities in the area of Justice, Fundamental Rights and Equality for the period after 2013

This document does not represent an official position of the European Commission. It is a tool to explore the views of interested parties. The suggestions contained in this document do not prejudge the form or content of any future proposal by the European Commission.
1. **The Public Consultation**

1.1. **Purpose and context of the consultation**

The current EU funding programmes cover the period 2007-2013. To cater for the post-2013 period, the new Multiannual Financial Framework (MFF) will need to be accompanied by new sectoral programmes. The Commission proposals for these new programmes will be adopted before the end of this year. This process is an opportunity to review funding objectives, spending levels and delivery mechanisms.

In its Communication on the EU Budget Review\(^1\), the Commission has committed to key principles that will be taken into account in the preparation of the sectoral programmes, to ensure that the budget is used as effectively as possible to achieving the EU's objectives, notably:

- **Delivering key policy priorities**: The new programmes must be strongly focused on the EU's core policy priorities, as reflected in the Treaty of Lisbon and the Europe 2020 strategy for smart, sustainable and inclusive growth\(^2\). In this context, justice is mentioned as an important area.

- **EU added value**: The key test is whether spending at EU level means a better deal for citizens than spending at national level.

- **A results-driven budget**: Spending programmes should have a real impact to achieve policy objectives, rather than just focus on inputs.

In this context, the Commission is consulting on future EU funding activities, including in the area of Justice, Fundamental Rights and Equality, based on a series of questions. This will give stakeholders the opportunity to express their views on the effectiveness and efficiency of the current funding activities of DG Justice and on how they can be improved to better achieve their objectives and bring more added value.

1.2. **Who can respond to the consultation**

All persons and entities with an interest in DG Justice's activities are welcome to contribute, including other European Institutions, agencies and committees. The consultation targets stakeholders of our programmes: citizens, national, regional and local public authorities and other public organisations, professional organisations, universities, research or training institutes, legal practitioners, international organisations, intergovernmental and non-governmental organisations, networks, private entities, social partners, civil society organisations, etc.

Since the launch of the Register for Interest Representatives\(^3\) (lobbyists) in June 2008 as part of the European Transparency Initiative, organisations have been invited to use this

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3 The Register can be found at: [https://webgate.ec.europa.eu/transparency/regrin/welcome.do](https://webgate.ec.europa.eu/transparency/regrin/welcome.do)
Register to provide the European Commission and the public at large with information about their objectives, funding and structures. It is Commission policy that submissions from organisations will be considered as individual contributions unless the organisations have registered. If authors object to the publication of their personal data on the grounds that such publication would harm their legitimate interests, contributions may still be published in anonymous form.

1.3. How to contribute

The consultation will be published on the Commission's consultation website "Your Voice in Europe". It will be open between 20 April 2011 and 15 June 2011.

The questionnaire must be completed online. It is not mandatory to reply to all the questions. However, please note that the questionnaire must be completed in one session, as it is not possible to save replies and complete them later. After 90 minutes of inactivity, you will be automatically disconnected. We therefore recommend that you prepare your replies in a working document and submit them online once finalised.

Any questions can be addressed to: JUST-FUNDING-CONSULTATION@ec.europa.eu.

1.4. Next steps

The results of the consultation will help the Commission to prepare its legislative proposals for funding in the area of Justice after 2013.

The individual contributions to this public consultation and/or a report summarising the main outcomes of the public consultation may be made available online on the Commission's website.

2. FUNDING IN THE AREA OF JUSTICE AND FUNDAMENTAL RIGHTS

2.1. DG Justice policy challenges in the years to come

The Lisbon Treaty offers new opportunities to further strengthen the European area of justice, to the benefit of EU citizens and businesses: the increased role of the European Parliament as co-legislator, the introduction of qualified majority voting in the Council for most policy areas, the extension of judicial review by the European Court of Justice to all areas, a legally binding Charter of Fundamental Rights. The Treaty gives the Union the new objectives of combating social exclusion and discrimination, and reaffirms the objective of promoting equality between women and men. It also allows strengthening Eurojust and the creation of a European Public Prosecutor's Office, and it introduces a legal basis for the evaluation of the Union's policies in this area.

In today's Europe, millions of citizens are involved in cross-border situations - either in their private lives, through their work or studies, or as consumers. The EU needs to offer practical solutions to cross-border problems; so that citizens feel at ease about living, travelling and working in another Member State and trust that their rights are protected no matter where in the European Union they happen to be.

4 http://ec.europa.eu/yourvoice/consultations/index_en.htm
In DG Justice we work daily to further develop the European area of justice, based on a number of EU common minimum rules – for example strengthening procedural rights of suspected and accused persons in criminal proceedings – and on mutual recognition of judicial decisions across the EU. Ensuring the efficient functioning of the European area of justice is at the heart of our activities.

This European area of justice ensures legal certainty and a level-playing field for citizens, consumers and businesses (especially small and medium-sized businesses) in enforcing their rights within, and across, national borders. Our action in this field contributes to strengthening the single market for cross-border transactions by a better harmonisation of consumer, and marketing laws, and by developing an EU contract law. Activities in this area include civil and commercial law - including family law with cross-border implications (for example extending mutual recognition to fields that are essential to everyday life, e.g. succession and wills, or the property effects of marriages and of registered partnerships); criminal law (putting forward legislation on substantive criminal law – such as a revised instrument on criminal sanctions for drug trafficking, setting common rules for criminal proceedings or ensuring the protection of victims).

The effective enforcement of the Charter of Fundamental Rights, of citizens' rights in the European Union, and of the EU's legislation on equal treatment needs to be ensured through the promotion of fundamental rights – including equality - and citizenship. This is a clear priority enshrined in particular in the Charter Strategy. Our main areas of activity cover the protection of personal data protection, the rights of the child, combating discrimination on grounds of sex, racial or ethnic origin (for example: Roma), religion or belief, disability, age or sexual orientation and enhancing EU citizenship, in particular the right of free movement within the European Union.

By promoting and protecting peoples' rights in their daily lives, we ensure that the Charter becomes a reality and that EU citizens fully benefit from European integration.

Putting the EU on a higher growth path will be a constant horizontal objective of DG Justice activities, and the main focus of some of our activities namely in the area of contract law, consumers rights, but also data protection and the promotion of gender equality.

2.2. Current funding programmes

DG Justice is currently managing six funding programmes. The Framework Programme on Fundamental Rights and Justice represents an envelope of € 550,18 million for 2007-2013 (after amendments) and covers the five following specific funding programmes:

- Criminal Justice (€ 199,3 million) and Civil Justice (€ 109,7 million), to promote judicial cooperation with the aim of contributing to the creation of a genuine

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European area of justice in civil and commercial matters, as well as in criminal matters;

- Daphne III (€ 121,43 million), to prevent and combat violence against children, young people and women;

- Fundamental Rights and Citizenship (€ 97,4 million), to promote the development of a European society based on European Union citizenship and which is respectful of fundamental rights, to fight anti-semitism, racism and xenophobia and strengthen civil society in the field of fundamental rights;

- Drug Prevention and Information (€ 22,35 million), to provide information on and to prevent the use of drugs;

Currently each one of the programmes has its own establishing legal act. These legal acts foresee two types of financing instruments. Firstly, the Commission awards grants to projects of civil society or public bodies, in particular to "specific transnational projects" involving applicants from at least two Member States, and to activities of NGOs or other organizations pursuing an aim of general European interest. Secondly, the Commission finances its own "specific actions" with a view to better deliver its policies through studies, research, opinion polls, surveys, seminars, conferences and expert meetings or specific IT projects.

Since 1 January 2011, DG Justice also manages two strands (non-discrimination/diversity and gender equality) of the PROGRESS Programme (Employment and social solidarity programme). These two strands of the PROGRESS Programme represent approximately € 241,5 million for 2007-2013. They are mainly implemented through Commission initiatives, framework partnership agreements with institutional beneficiaries and to a lesser extent through calls for proposals.

### 2.3. Results of mid-term evaluations

DG Justice has recently carried out mid-term evaluations of its five specific funding programmes. Since the specific programmes are very similar in their structure and in their delivery mechanisms, many issues are common to all programmes.

- Mid-term evaluations show a growing interest from civil society for DG Justice funding programmes, which are becoming more popular as they become better known.

- All programmes manage to establish transnational partnerships that are likely to continue cooperation after the end of project.

- In general, all programmes are considered to be relevant for the issues they were designed to address and to have contributed to the creation of an area of freedom, security and justice with respect for fundamental rights. However, achievements are difficult to measure as a lot of initiatives and projects are ongoing, and because results are not always tangible.

- Dissemination and use of results of projects to feed back into policy development (at EU and possibly also at national level) is considered as a weak point. This raises the questions whether grants, accounting for about 80% of the budget, are the most
appropriate tool to accompany DG Justice policies, and whether these grants focus sufficiently on the achievement of results.

- A dilution of funds (‘saupoudrage’) has been found in all programmes: in general, funds are granted to a high number of rather small projects covering a broad scope. All evaluations conclude that a stronger focus on projects with greater EU added value (meaning either bigger projects or projects covering more Member States or with better dissemination activities) and on more specific areas is necessary.

- The five mid-term evaluations underline the need to reconsider the usefulness of operating grants to NGOs given the high administrative cost of this form of support, the limited impact and the difficulty for NGOs to achieve a European dimension.

- Lengthy grant award procedures are criticised by beneficiaries, as well as extensive financial reporting obligations.

Regarding the PROGRESS Programme, the first findings of the evaluation confirm that the objectives supported by PROGRESS in these fields are very relevant and resulted in positive outcomes. The EU added value of this programme relies on better application of EU law; improvement of understanding of the current context through the development of data, indicators and experts networks; improvement of the partnership with EU-level NGO networks and the Member States, with particular reference to equality mainstreaming. To increase the impact it is recommended to improve the dissemination of activities supported by PROGRESS, ensuring knowledge and ideas are shared with a wider audience.

In addition the fact that DG Justice manages six different funding programmes prevents harmonised implementation of funding in the area of Justice and complicates the exchange of good practices and the mutual learning between programmes and programme beneficiaries. It creates redundancies, duplications and overlaps (e.g. Civil and Criminal Justice) in terms of scope, objectives and eligibility, it complicates the creation of synergies between projects and it does not allow for flexibility in budget allocation.

### 2.4. Trends for future funding

Ensuring the functioning of a truly European area of Justice, enforcing the Charter of Fundamental Rights of the European Union and enhancing EU citizenship, will remain at the heart of DG Justice's activity during the period covered by the future multiannual framework. In particular, we aim to help citizens and businesses in cross-border legal proceedings, and to further develop judicial cooperation and mutual trust between Member States in civil and criminal matters. Moreover, people need to know better what rights they enjoy under EU law, notably under the European Charter of Fundamental Rights and under the EU's legislation on equal treatment. We need to enhance EU citizenship, promote equality between women and men and combat discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Member States actions in the field of drugs need to be complemented by actions at EU level.

To deliver these objectives, a substantive set of EU legislation already exists. It is now necessary to develop an enforcement policy focusing on the effective application of this legislation. To be truly effective and bring about clear results for citizens and businesses, the legislation needs to be accompanied by measures to develop mutual trust between
Member States, to increase cross-border cooperation and achieve high quality, coherent and consistent application of EU law. In order to achieve this, DG Justice is considering concentrating its financial support on the following actions, chosen for their clear EU added value:

- **training**, in particular of professionals, such as legal practitioners who are in the front-line applying EU law daily. Training improves the efficiency of the European area of justice by increasing the knowledge of EU law and by enhancing mutual trust between Member States and their competent authorities.

- **networks of national authorities, professionals and of civil society organisations**, chosen on the basis of their potential impact and multiplier effect. Financing such networks will facilitate exchanges of best practices, improve the application of EU law in practice, and it will also enhance capacity building of civil society and of the public at large, so that they actively participate in the development and realisation of a European area of justice.

- **cross-border cooperation on enforcement**: transnational operational projects addressing in priority, actions identified in EU initiatives. These projects will serve as a practical tool to achieve targeted objectives.

- **information and awareness raising**: to help people to know their rights, as guaranteed under EU law, and how to enforce them in practice. In many areas, current levels of awareness are not satisfactory.

- **developing IT-tools**, such as the e-Justice portal. These tools are a practical means for exchanging information between Member States, but also for disseminating information on certain issues.

For the next Multiannual Financial Perspectives, DG Justice also intends to streamline existing programmes to the maximum – ideally within a single programme - and simplify/improve delivery mechanisms. Focus should be on projects with greater EU added value.
ANNEX - QUESTIONNAIRE

I. THE RESPONDENT

I.1. Do you reply as:

☐ an individual

☐ an organisation

I.2. Please state your name/ the name of the organisation that you represent:

I.3. Which is your country of residence/ the country where your organisation is established?

☐ Austria

☐ Belgium

☐ Bulgaria

☐ Cyprus

☐ Czech Republic

☐ Denmark

☐ Estonia

☐ Finland

☐ France

☐ Germany

☐ Greece

☐ Hungary

☐ Ireland

☐ Italy

☐ Latvia
☐ Lithuania
☐ Luxembourg
☐ Malta
☐ Netherlands
☐ Poland
☐ Portugal
☐ Romania
☐ Slovakia
☐ Slovenia
☐ Spain
☐ Sweden
☐ United Kingdom
☐ Non EU country

I.4. Please indicate the type of organisation that you represent:

☐ NGO

☐ National authority at regional or local level

☐ National authority at central level

☐ University/Research institute

☐ Private company

☐ International organisation

☐ Other

Since you have ticked Other, please specify below what type of organisation you work for:
I.5. Is your organisation registered in the EU Register of Interest Representatives?

☐ Yes

☐ No

Since you have indicated Yes, please provide your Registration Number below:


I.6. All responses to this public consultation may be published online by DG Justice. Do you wish that your contribution is displayed under your name/the name of your organisation or anonymously:

☐ This contribution may be displayed under the name of the respondent

☐ This contribution must be displayed anonymously

I.7. Have you already received funding from DG Justice funding programmes?

☐ Yes

☐ No

As you have indicated Yes above, please specify the programme below:

(if you have received funding from more than one programme, please indicate all of them)

☐ Civil Justice

☐ Criminal Justice

☐ Daphne

☐ Drugs Prevention and Information

☐ Fundamental Rights and Citizenship

☐ Progress
II. EVALUATION AND FEEDBACK ON THE CURRENT PROGRAMMES

II.1. How effective and appropriate do you consider the current funding activities of DG Justice?

☐ Very effective

☐ Effective with minor deficiencies

☐ Could be improved

☐ Should be improved

☐ No opinion

II.2. In your opinion which are the most important deficiencies of the current funding activities of DG Justice?
III. OBJECTIVES AND FOCUS OF FUNDING AFTER 2013

III.1. In your opinion and taking into consideration the approximate funding levels for the year 2011, for which of the following policies should funding be increased, maintained, decreased or discontinued after 2013?

<table>
<thead>
<tr>
<th>Policy</th>
<th>Should be increased</th>
<th>Should be maintained</th>
<th>Should be decreased</th>
<th>Should be discontinued</th>
<th>No opinion</th>
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<tr>
<td>Civil Justice policy</td>
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<td>(€ 15.5 million)</td>
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<td>Contract law</td>
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<td>(€ 0.5 million)</td>
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<td>Consumer and marketing law</td>
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<td>(€ 0.5 million)</td>
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<td>Criminal Justice policy</td>
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<td>(€ 27 million)</td>
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<td>Anti-drugs policy</td>
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<td>(€ 4 million)</td>
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<td>Fundamental Rights, including the charter of fundamental rights and the rights of the child</td>
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<td>(€ 11 million)</td>
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<td>EU Citizenship</td>
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<td>(€ 1.5 million)</td>
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<td>Data protection</td>
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<td></td>
<td>Strongly agree</td>
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<td>Disagree</td>
<td>Strongly disagree</td>
<td>No opinion</td>
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<td>$(1.5\text{ million})$ Gender equality</td>
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<td>$(13\text{ million})$ Violence against women, children and young people</td>
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<td>$(20.5\text{ million})$ Non discrimination, including Roma policies</td>
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*If you wish to further explain your choices, please use the following box:*

III.2. Do you believe that there is EU added value in allocating EU funding to achieve the following objectives?

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<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>No opinion</th>
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<tr>
<td>Raise awareness and improve knowledge of the population on their rights and obligations</td>
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<td>Promote EU citizenship</td>
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<td>Improve access to justice</td>
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<td>Eliminate obstacles to and reduce costs of cross-border judicial proceedings</td>
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<td>Facilitate cross-border business and consumer transactions</td>
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<td>Promote and support gender equality</td>
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<td>Fight discrimination on the grounds of race and ethnic origin, religion or belief, disability, age or sexual orientation</td>
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<td>Protect vulnerable persons (Roma, children, victims of violence etc.)</td>
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<tr>
<td>Reduce drug use and prevent drug related crime</td>
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*If you wish to make additional comments or specify additional funding objectives for the area of Justice, please use the following box:*
IV. SIMPLIFICATION AND IMPROVEMENT

IV.1. Do you agree that the funding activities of DG Justice need to be simplified and improved?

☐ Yes

☐ No

☐ No opinion

IV.2. Do you agree with the following measures for simplification/improvement of the funding activities?

<table>
<thead>
<tr>
<th>Measure</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>No opinion</th>
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<tr>
<td>Provide funding under one single programme (i.e. launch annually fewer/one calls for proposals covering a wider range of objectives and priorities)</td>
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<td>Focus funding on bigger projects with greater EU added value</td>
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<td>Simplify selection procedures</td>
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<td>Simplify reporting obligations</td>
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<tr>
<td>Extend the use of IT tools at the selection, implementation and reporting phases</td>
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IV.3. In your opinion which other measures should be undertaken to achieve simplification and improvement?
IV.4. In your opinion which measures should be undertaken to improve the dissemination of results and to strengthen the link between policy and funding activities?
V. ACTIVITIES

V.1. How important do you consider the following activities for achieving the funding objectives of DG Justice?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>No opinion</th>
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<tr>
<td>Identification, development and exchange of good practices</td>
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<td>Training, in particular of professionals</td>
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<td>Exchanges of legal/judicial professionals</td>
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<td>Cooperation between professionals and organisations and development of specialised networks</td>
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<td>Studies</td>
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<td>Statistics and development of indicators</td>
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<td>Information and awareness-raising</td>
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<td>Development of IT-tools, such as the e-Justice portal or the European registers for convicted third-country nationals</td>
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V.2. Please indicate any additional activities which should be supported by DG Justice?
VI. DELIVERY MECHANISMS

VI.1. Which actors/organisations are most appropriate to receive funding by DG Justice?

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
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<th>No opinion</th>
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<td>Non-governmental organisations</td>
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<td>Universities and Research institutes</td>
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<td>Private companies</td>
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<td>National authorities at regional/local level</td>
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<td>National authorities at central level</td>
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<td>International organisations</td>
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VI.2. Which types of funding do you consider most appropriate for achieving the funding objectives of DG Justice?

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<tr>
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<th>Strongly agree</th>
<th>Agree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>No opinion</th>
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<tr>
<td>Funding of specific projects with EU added value</td>
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<td>Support to the regular activities of organisations</td>
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<td>Setting-up of and support to the activities of networks</td>
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<td>Procurement contracts for the implementation of policy (e.g., studies, evaluations, etc.)</td>
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</tbody>
</table>
VI.3. If you wish to provide additional comments, please use the following box:
VII. GENERAL FEEDBACK

*If you would like to comment on any aspect of the consultation, please do so below:*