COMISIÓN DE LAS COMUNIDADES EUROPEAS

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COMUNICACIÓN DE LA COMISIÓN AL CONSEJO Y AL PARLAMENTO EUROPEO

Evaluación de las políticas de la UE en materia de libertad, seguridad y justicia

{SEC(2006) 815}

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1. INTRODUCCIÓN

1. Según el **Programa de La Haya** (2004)[1], la "evaluación de la aplicación, así como de los efectos de todas las medidas es, a juicio del Consejo Europeo, esencial para la eficacia de la acción de la Unión". El **Plan de acción** por el que se aplica el programa de La Haya (2005)[2], que establece un marco político para las actividades de la Unión Europea en materia de libertad, seguridad y justicia durante los próximos cinco años, prevé la adopción, en 2006, de una **Comunicación general** de la Comisión referente al desarrollo de un mecanismo de evaluación a nivel de la UE en este ámbito[3].

2. Los Jefes de Estado y Gobierno han manifestado que la evaluación de la aplicación constituye una **herramienta clave** para velar por que los resultados significativos logrados por la Unión y sus Estados miembros en el desarrollo de un espacio de libertad, seguridad y justicia se apliquen correctamente y se revisen constantemente, si procede, para responder a las verdaderas **expectativas de los ciudadanos europeos**.

3. Al subrayar la importancia de la evaluación, el programa de La Haya pretendía 1) **mejorar en mayor medida la forma en que se determinan las políticas, los programas y los instrumentos**, identificando los problemas y obstáculos encontrados en la aplicación de aquellos, 2) establecer unas normas más sistemáticas relativas a la **responsabilidad financiera y al seguimiento de las políticas**, 3) favorecer el aprendizaje y el **intercambio de buenas prácticas,** y 4) participar en el **desarrollo de una cultura de la evaluación** en toda la Unión.

Teniendo en cuenta 1) **el mandato** dado a la Comisión por el Programa de La Haya y su Plan de acción, 2) **la fragmentación** de los mecanismos de supervisión y evaluación existentes y 3) la necesidad de transmitir a todos los interesados una **gran cantidad de información** sobre la ejecución y los resultados de las políticas, la Comisión considera que **ha llegado el momento** de avanzar hacia la creación **de un mecanismo coherente y de gran alcance para la evaluación** de las políticas de la UE en materia de libertad, seguridad y justicia, en un espíritu **de asociación** con los Estados miembros y las instituciones de la UE.

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1 Anexo 1 a las conclusiones de la Presidencia del Consejo Europeo de Bruselas, noviembre de 2004.

2 Plan de Acción del Consejo y la Comisión por el que se aplica el Programa de la Haya sobre refuerzo de la libertad, la seguridad y la justicia en la Unión Europea (OJC 198,12.8.2005,p.1).

3 El plan de acción contempla también una Comunicación sobre la evaluación sistemática, objetiva e imparcial de la aplicación de las políticas de la UE en el ámbito de la justicia, con vistas a reforzar la confianza mutua dentro del pleno respeto del poder judicial. A finales de este año la Comisión presentará otra Comunicación que aborde este problema detalladamente, de conformidad con los principios generales establecidos en la presente Comunicación.

Tal mecanismo incluirá un **seguimiento de la aplicación** (según se establece en la Comunicación sobre "Consolidación de la libertad, la seguridad y la justicia en la Unión Europea: informe de aplicación del Programa de La Haya para el año 2005", denominado en lo sucesivo el "Cuadro de indicadores Plus"[4]) y la **evaluación de los resultados** políticos.

[4] COM(2006) 333

2. CONCEPTO DE EVALUACIÓN

4. Cabe efectuar una distinción entre los principios de seguimiento de la aplicación y de evaluación:

- **El seguimiento de la aplicación** consiste en controlar los avances en cuanto a la ejecución de las políticas.

- La Comunicación sobre la evaluación presentada por la Comisión en 2000[5] define **la evaluación** como la *"valoración de las intervenciones (medidas públicas) según sus resultados, impactos y las necesidades que aspiran a satisfacer"*. El principal cometido de la evaluación es facilitar a los responsables políticos información sobre el impacto y la eficacia de las actividades previstas y realizadas.

5. La Comisión interpreta el mecanismo mencionado en el Plan de acción como un medio de seguimiento de la aplicación y de evaluación de los resultados concretos de las políticas en materia de libertad, seguridad y justicia. En este contexto, la evaluación va más allá y, partiendo del seguimiento de la aplicación de las políticas, estudia los efectos de la misma, según se esboza más adelante. De este modo, se ajusta al programa de La Haya puesto que el concepto de *"evaluación de la aplicación, así como de los efectos de todas las medidas"* abarca tanto el seguimiento de la aplicación propiamente dicha como la evaluación de los resultados de las medidas tomadas.

6. Esta es la justificación de que la Comisión proponga un paquete coherente y de gran alcance construido en torno a dos pilares: el "Cuadro de indicadores Plus" para realizar el seguimiento de la aplicación y **el mecanismo de evaluación** propuesto en la presente Comunicación.

7. El mecanismo presentado en esta Comunicación se basa en esta definición exhaustiva que, en opinión de la Comisión, debe hacer posible una comprensión total de la cantidad y calidad de los resultados logrados en materia de libertad, seguridad y justicia. Este mecanismo funcionaría conforme a los principios establecidos en el Programa de La Haya. En definitiva, serviría para mejorar la elaboración política, fomentando la incorporación sistemática de los resultados de la evaluación en el proceso de toma de decisiones.

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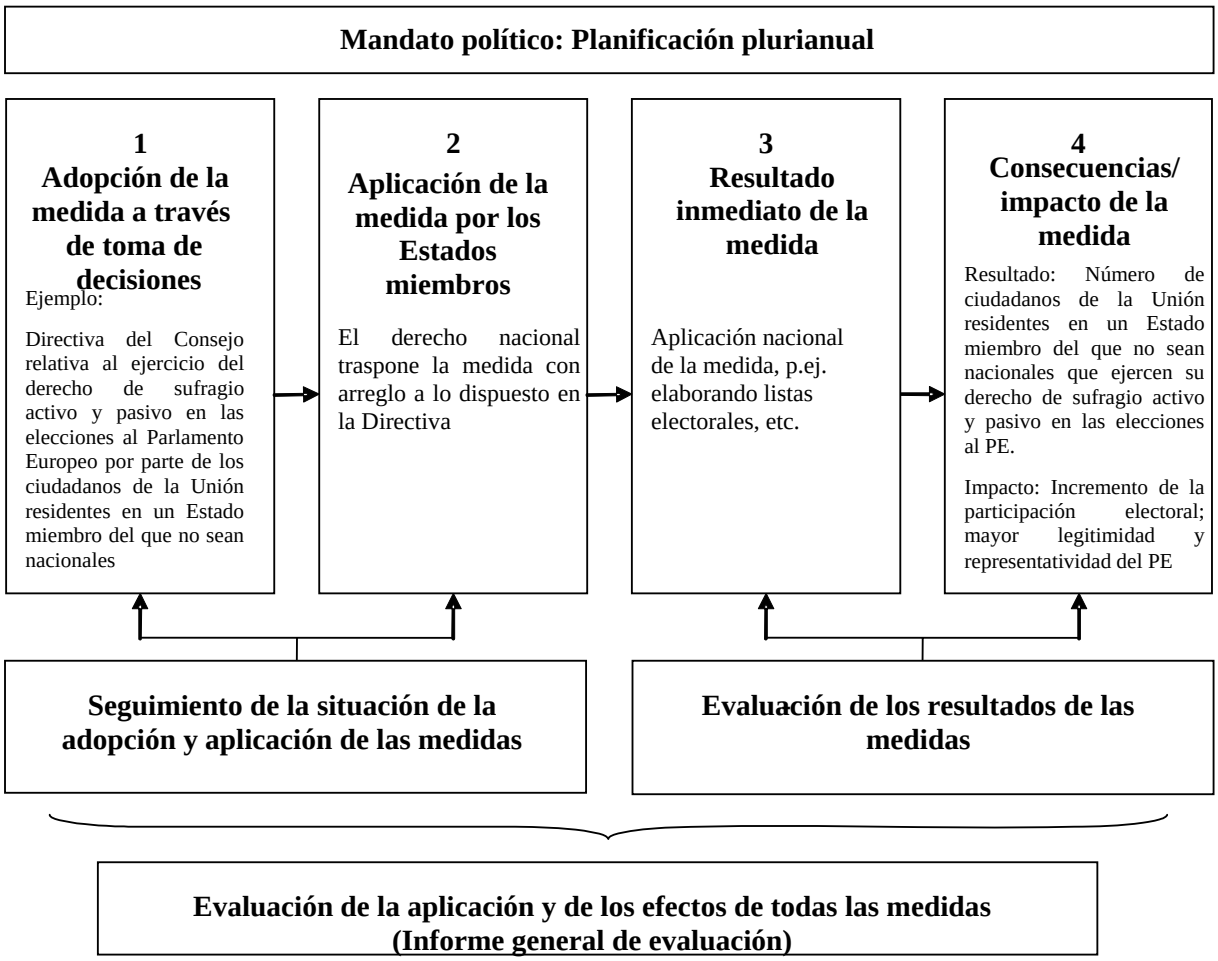
[5] SEC(2000)1051.

Recuadro 1: Evaluación durante el proceso de toma de decisiones



3. EVALUACIÓN DE LAS POLÍTICAS DE LA UE EN MATERIA DE LIBERTAD, SEGURIDAD Y JUSTICIA – RETOS PENDIENTES

3.1. Complejidad y ambición de los objetivos y soluciones políticos

8. El área de libertad, seguridad y justicia es una de las áreas **políticas más polifacéticas de la UE**. Los objetivos abarcan algunos de los ámbitos más tópicos: libre circulación de personas, terrorismo y delincuencia organizada, cooperación policial y judicial, política de asilo y migración, respetando siempre en todos ellos los derechos fundamentales y fomentando los derechos de los ciudadanos de la Unión. A menudo las consideraciones de soberanía nacional exigen compromisos a nivel de la UE o hacen difícil la aplicación de las políticas. Por lo tanto, cualquier nuevo mecanismo de evaluación tendrá que tener en cuenta este contexto político.

9. A la complejidad y ambición de los objetivos políticos se añade la complicación que suponen un marco jurídico a veces confuso, mezcla de procedimientos de toma de decisiones y de conformidad.

Para solventar esta complejidad, el mecanismo de evaluación propuesto debe ser **progresivo** e incluir posibilidades de **desarrollo y consolidación futuros**.

3.2. Calendario

10. Debido al cometido específico de la Comisión y al proceso de toma de decisiones en el ámbito de la libertad, seguridad y justicia, las distintas políticas necesitan a menudo diferentes **calendarios** antes de poder desarrollarlas y de que lleguen a ser plenamente operativas. Por lo tanto es necesario **un enfoque individual** para identificar el nivel correcto de análisis para **cada una de las políticas**. Mientras que para todas las políticas se tendrán en cuenta sus resultados inmediatos e intermedios, el análisis del impacto práctico podría presentar mayores dificultades para ciertas políticas (por ejemplo las políticas en materia de drogas o de migración).

El mecanismo de evaluación propuesto debería ofrecer **una flexibilidad suficiente** para la evaluación detallada y diferenciada de las políticas específicas, teniendo debida cuenta de su nivel de desarrollo y de consolidación.

Por lo tanto parece apropiado centrarse en los resultados inmediatos e intermedios, por lo menos en la primera etapa. La identificación del impacto global de las políticas debe ser el objetivo último del mecanismo de evaluación a más largo plazo.

3.3. Involucrar a las instituciones e interesados

11. Otro aspecto único del ámbito de la libertad, seguridad y justicia es el impacto de la política sobre los interesados. Cualquier mecanismo de evaluación en este terreno debe tener en cuenta las **expectativas y prioridades de los interesados** y, en especial, **la confidencialidad necesaria** en algunas áreas políticas, tales como el terrorismo y delincuencia organizada.

12. En un espíritu **de asociación**, la Comisión **consultará y debatirá** con los Estados miembros e instituciones de la UE durante y después de la preparación del informe de evaluación. A tal efecto, se invitará a los Estados miembros y a las instituciones de la UE a designar **puntos de contacto** para facilitar el diálogo con la Comisión. El informe de evaluación[6] será **público** y se dirigirá a los Estados miembros e instituciones de la UE.

13. El Consejo y los Estados miembros así como la Comisión serán los protagonistas principales del mecanismo de evaluación propuesto. El Parlamento Europeo estará estrechamente asociado, de acuerdo con las prerrogativas y obligaciones institucionales. Los Parlamentos nacionales también participarán en la evaluación de los informes periódicos.

14. En los ámbitos abarcados por el Tratado CE, el Comité de las Regiones y el Comité Económico y Social Europeo participarán en la preparación y aplicación del mecanismo de evaluación. Una vez adoptados, los informes de evaluación se transmitirán sistemáticamente a los Comités.

15. Organismos tales como la Agencia de Derechos Fundamentales de la Unión Europea, el Observatorio Europeo de la Droga y las Toxicomanías (EMCDDA), Europol, Eurojust o la Agencia Europea para la gestión de la cooperación operativa en las

[6] Véase apartado 0.

fronteras exteriores desempeñarán un cometido importante en el mecanismo. Primero, aportarán las informaciones y análisis disponibles al ejercicio de evaluación. En segundo lugar, la Comisión los consultará sobre los informes de evaluación.

16. La contribución de la sociedad civil será muy valiosa en este contexto. La Comisión velaraá por que se tengan en cuenta las opiniones de la sociedad civil y establecerá unos mecanismos apropiados para garantizar su participación en la evaluación de todas las políticas en el ámbito de la libertad, seguridad y justicia.

El mecanismo de evaluación propuesto debería contemplar unos **mecanismos de consulta transparentes,** que también podrían utilizarse para recopilar y realizar controles cruzados de la información pertinente.

3.4. Disponibilidad de estadísticas

17. La disponibilidad de estadísticas[7] y de la capacidad analítica necesaria es **un componente clave** del desarrollo de un sistema de evaluación. Si bien existen estadísticas bien desarrolladas para algunas actividades (por ejemplo política de drogas), es necesario seguir trabajando en otras áreas, tales como delincuencia y justicia penal[8]. Se necesitarán estadísticas sobre la evolución de las necesidades contempladas por las políticas de libertad, seguridad y justicia como datos básicos para evaluar si con el tiempo una determinada política disminuye o incrementa las necesidades existentes y, en definitiva, para poder sacar conclusiones sobre el impacto de las políticas. Tres son las áreas en las que se debería mejorar: calidad, disponibilidad y análisis. El trabajo de ciertos organismos, incluidos el Observatorio Europeo de la Droga y las Toxicomanías (EMCDDA), Eurojust, Europol y la futura Agencia de derechos fundamentales, desempeñará un cometido especial en este contexto. Las redes y proyectos de investigación también contribuirán a este objetivo.

Por lo tanto, paralelamente a la creación del sistema de evaluación propuesto, habrá que llevar a cabo mejoras **de la calidad, la disponibilidad y el análisis de estadísticas** sobre libertad, seguridad y justicia.

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7 La realización de estadísticas comunitarias se rige por las normas establecidas en el Reglamento del Consejo sobre estadísticas comunitarias, y las medidas relativas a la elaboración de estadísticas comunitarias se ejecutan según el Programa estadístico comunitario y sus programas anuales, respetando los principios establecidos en el Código de buenas prácticas de las estadísticas europeas.

8 Con este fin, la Comisión prevé adoptar un plan de la UE para el desarrollo de una estrategia coherente y de gran alcance para valorar la delincuencia y la justicia penal. El objetivo en último término es disponer de estadísticas comunitarias basadas en unas definiciones y en unos mecanismos de recogida de datos e información armonizados.

4. EVALUACIÓN DE LAS POLÍTICAS DE LA UE EN MATERIA DE LIBERTAD, SEGURIDAD Y JUSTICIA - PROPUESTA DE MECANISMO DE EVALUACIÓN ESTRATÉGICA

4.1. Descripción del mecanismo de evaluación

18. **El mecanismo propuesto de evaluación estratégica** de la libertad, la seguridad y la justicia **se basa en** los **resultados consolidados** logrados en otras áreas de la política de la UE. Tal mecanismo partiría de las **prácticas actuales,** según se describen en el anexo 2, y, en el caso específico de los programas de financiación, utilizaría la información derivada de los requisitos vigentes en materia de evaluación. Asimismo, en otras áreas en las que ya se dispone de información, se prestará una atención particular a la utilización de los datos existentes y **a evitar la duplicación del trabajo.**

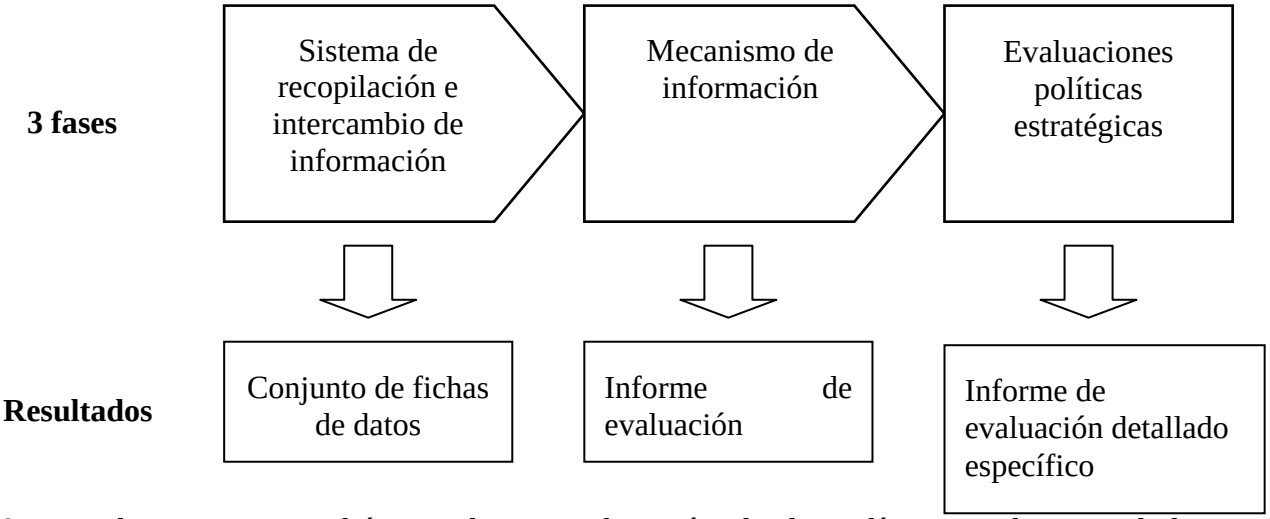
19. Se propone **un mecanismo** progresivo en tres fases :

(1) Primero, se prevé crear un sistema para la recopilación y el intercambio de informaciones.

(2) En segundo lugar, se incluye **un mecanismo de información** que consolide, utilice y analice esta información.

(3) Tercero, se completa mediante **evaluaciones estratégicas detalladas** específicas.

Recuadro 2: Las tres fases del mecanismo



20. El mecanismo tendrá gran alcance y abarcará todas las políticas en el campo de la libertad, seguridad y justicia[9].

21. Los informes de evaluación[10] se transmitirán al Consejo y al Parlamento Europeo y también al Comité Económico y Social Europeo y al Comité de las Regiones y se

[9] En la tercera fase del mecanismo propuesto, el mecanismo de evaluación de la revisión inter pares descrito en el anexo 2, 2.3.2 podría continuar aplicándose. En función de la evolución del marco institucional actual, la Comisión podría gestionar este mecanismo en una fase posterior. En cualquier caso, la Comisión respaldará este mecanismo con sus propias evaluaciones estratégicas detalladas en los ámbitos contemplados en el título VI del Tratado de la UE.

difundirán según proceda a sectores más amplios, a veces mediante presentaciones públicas específicas.

22. Al mejorar la información y la divulgación de los resultados de la evaluación, el mecanismo pretende en último término fomentar la utilización de los resultados en el nivel de toma de decisiones.

23. El mecanismo es coherente con la orientación actual de la Comisión en materia de evaluación y funcionará de conformidad con sus principios generales.

4.1.1. Sistema de recopilación e intercambio de información

24. El sistema de recopilación e intercambio de información se basará en las **"fichas de datos"**(una para cada ámbito político) que serán cumplimentadas por las autoridades competentes de los Estados miembros. En aquellos ámbitos en los que ya se dispone de información en un formato similar, la Comisión **rellenará** las fichas de datos **por adelantado** en la medida de lo posible. Paralelamente, se procederá a la **consulta** de las fichas de datos con los interesados pertinentes y con la sociedad civil[11]. Las consultas serán específicas para cada política y se basarán en las **redes y** mecanismos de consulta existentes, teniendo debidamente en cuenta la confidencialidad necesaria en ciertas áreas.

25. Las fichas de datos indicarán **un objetivo político global** para cada área y enumerarán **los principales instrumentos** (legislativos, no legislativos y financieros) que contribuyen a lograr el objetivo correspondiente. El mecanismo debería proporcionar una descripción clara **de los resultados**.

26. Las fichas de datos también contendrán un grupo **de indicadores** para cada política. Estos indicadores estarán claramente vinculados al objetivo global del área política. Las fichas de datos formarán parte integrante **del proceso de consulta** que seguirá a la publicación de este documento y que concluirá en asociación con los Estados miembros. En el anexo 1 de la presente Comunicación figuran ejemplos de fichas de datos.

27. La Comisión se propone invitar a cada Estado miembro a designar **puntos de contacto** a nivel nacional. Los puntos de contacto desempeñarán un papel importante en la coordinación de la respuesta a nivel nacional y en el trabajo de consulta con los departamentos de la Comisión.

28. Por lo que se refiere a la **legislación de la UE**, los indicadores y el sistema de calificación de las fichas de datos se centrarán en la práctica en los resultados tangibles de la aplicación de la legislación y no en el nivel de transposición al derecho nacional ni en el impacto de la legislación de la UE en los ordenamientos jurídicos nacionales. Estos últimos son los principales objetivos del “Cuadro de indicadores Plus”, que evalúa la transposición y aplicación en lugar de evaluar el grado de consecución de los objetivos.

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[10] Véase apartado 0.

[11] Véase sección 3.3.

29. En lo que respecta a los **programas de financiación** de la UE, las fichas de datos se basarán en los **informes de aplicación y evaluación existentes** presentados para cumplir los requisitos establecidos en el Reglamento financiero y en el fundamento jurídico correspondiente. Se espera que la información sobre la financiación de programas exigida en las fichas de datos esté fácilmente disponible y por lo tanto cualquier contribución adicional de los Estados miembros debería ser mínima.

4.1.2. Mecanismo de información

30. Una vez recibidas las fichas de datos y tras la consulta con los interesados, la Comisión validará la información recibida y elaborará un **"informe de evaluación"** que consolidará y analizará la información proporcionada. Este informe de evaluación también incluirá **recomendaciones políticas** relativas a las diversas áreas políticas analizadas.

31. El objetivo de este ejercicio es evaluar las políticas desarrolladas a nivel de la UE en el ámbito de la libertad, seguridad y justicia e identificar las áreas en las que se deseable realizar una **evaluación estratégica detallada.**

4.1.3. Evaluaciones políticas estratégicas

32. Tras el informe de evaluación y las nuevas consultas, puede procederse a efectuar **evaluaciones políticas estratégicas detalladas** en **áreas seleccionadas.** Estas evaluaciones tendrán por objeto producir información útil y oportuna que sirva de contribución a las decisiones políticas en cada área política, según proceda.

33. Las evaluaciones estratégicas deberían añadir valor a las prácticas actuales descritas en el anexo 2, especialmente:

(a) centrándose en las **políticas** (o subconjuntos coherentes), en vez de hacerlo en los instrumentos individuales (por ejemplo, evaluación de la política de inmigración común);

(b) analizando **la coherencia** de los diversos instrumentos de una determinada política (por ejemplo la forma en que los programas financieros apoyan y facilitan la aplicación de la legislación de la UE en un determinado ámbito);

(c) investigando la forma en que una política concreta contribuye al **objetivo global** de establecer un espacio de libertad, seguridad y justicia ;

(d) determinando el **índice global de consecución** de ese objetivo general; y

(e) evaluando la consecución de un objetivo de mayor alcance en el campo de la libertad, la seguridad y la justicia (por ejemplo, salvaguardia de los derechos fundamentales).

4.2. Frecuencia y seguimiento

34. Una frecuencia determinada permite supervisar el progreso a intervalos regulares y realizar comparaciones. Por lo que se refiere al calendario, se propone realizar este ejercicio de evaluación ("fichas de datos" más "informe de evaluación"**) dos veces**

cada cinco años. La Comisión recurrirá a la información disponible en la medida de lo posible.

35. La propuesta tiene en cuenta el hecho de que este mecanismo:

(a) debe utilizarse **periódicamente** ,

(b) no debe ser demasiado gravoso,

(c) no necesita ponerse en práctica cada año ya que se centra en consecuencias y resultados paulatinos y en datos a medio plazo,

(d) debe coordinarse con los planes estratégicos y plurianuales **existentes**.

36. En especial, el calendario propuesto también permitiría que el Consejo y la Comisión utilizaran los resultados de los informes de evaluación como contribución para evaluar la necesidad de elaborar otro programa estratégico en 2009, cuando expire el programa de La Haya.

37. El hecho de publicar el informe de evaluación cada dos o tres años permitirá sincronizar el mecanismo con el ciclo quinquenal. Esto estimulará un uso más completo y estratégico de los resultados de la evaluación en la toma de decisiones. 2006-2007 será un período de transición (véase el siguiente cuadro).

38. Para lograr una coordinación con el "Cuadro de indicadores Plus", se prevé enviar las fichas de datos a los Estados miembros a finales de 2006 y publicar el informe de evaluación, junto con el segundo "Cuadro de indicadores Plus", a mediados de 2007.

Calendario	**Cuadro de indicadores Plus**	**Mecanismo de evaluación**	**Plan de Acción**
2005			Adopción de Plan de acción de La Haya
2006	CI + 1		Evaluación intermedia de la aplicación (finales de 2006)
2007	CI + 2	Informe de evaluación 1	Primer análisis político
2008	CI + 3		
2009	CI + 4	Informe de evaluación 2	
2010	CI + 5		Fin del programa de La Haya
2011	CI + 6		
2012	CI + 7	Informe de evaluación 3	

2013	CI + 8		
2014	CI + 9	Informe de evaluación 4	

(En gris el período de transición)

39. La evaluación de impacto adjunta contiene una evaluación **de los costes administrativos adicionales para los Estados miembros**. Se exhorta a los Estados miembros a trabajar, con el apoyo de la Comisión, para lograr **la comparabilidad de los datos y la exactitud**. La experiencia reciente en la evaluación de varios instrumentos legislativos ha mostrado que a veces los datos básicos referentes a las políticas ni están armonizados ni son exactos. Las evaluaciones específicas de las políticas en materia de libertad, seguridad y justicia por el Consejo o la Comisión serán una fuente adicional de información.

40. La presente Comunicación pretende constituir el **comienzo de un proceso a medio plazo**. El mecanismo propuesto y las fichas de datos se presentan para poder hacer comentarios al respecto y mejorarlos a raíz de la presente Comunicación. Con este fin, se pondrá en marcha un amplio proceso de consulta, que incluirá la organización de un simposio en otoño.

41. El **mecanismo se evaluará** a los cinco años para decidir sobre los posibles ajustes y mejoras del sistema. Los resultados evaluados serán los contemplados en el recuadro 2. La evaluación se realizará con relación a los objetivos establecidos en el apartado 3.

5. CONCLUSIONES

42. La Comisión considera necesario crear **un mecanismo coherente y de gran alcance de evaluación** de las políticas de la UE en materia de libertad, seguridad y justicia, teniendo en cuenta la situación actual y el mandato del Programa de La Haya. Dicho mecanismo tendrá que ser **progresivo** y tener en cuenta **el contexto evolutivo institucional y jurídico**, con objeto de velar por el perfeccionamiento y la eficacia de las políticas de libertad, seguridad y justicia.

43. Este mecanismo proporcionará un medio para agrupar los resultados de las evaluaciones individuales en un marco coherente, aportando así información a la toma de decisiones política al nivel apropiado. A este respecto, el mecanismo propuesto también ofrecerá a los responsables políticos **la información pertinente a tiempo** para plantearse la continuación que conviene dar al Programa de La Haya cuando este expire en 2009.

44. El mecanismo propuesto será aplicado por la Comisión y el Consejo con plena observancia de sus prerrogativas institucionales y en estrecha asociación con el Parlamento Europeo. **La acción concertada** y **el compromiso total** de las instituciones de la UE y los Estados miembros son necesarios para implantar y aplicar con eficacia el mecanismo de evaluación, mientras que las autoridades y administraciones nacionales desempeñarán un cometido fundamental a este respecto.

45. Por último, este mecanismo de evaluación tendrá por objeto que las medidas adoptadas por la Unión sean más efectivas y contribuirá a los objetivos estratégicos **de legislar mejor** y de **transparencia de las actividades de la UE**.

ANNEX 1

Factsheet of JLS policies

POLICY AREA: EXTERNAL BORDERS, VISA POLICY AND FREE MOVEMENT OF PERSONS
Factors influencing evaluation mechanism: well established policy area, 1st pillar activities, there is a strong consensus amongst stakeholders for EU level action; there is a mix of instruments (legislative activities, co-operation activities, programme funding, functioning Community Agency, IT systems); possible to construct evaluation indicators, but might be hard to measure outcomes and results and causal links in practice. Methods to evaluate controls at borders are improving, including available administrative information and statistics. Some constraints on fully independent evaluation. There are strong interlinkages between the instruments within the ABB activity and strong potential for 'thematic' evaluation examining instruments in parallel.
Policy sub-area 1: External borders
Objectives: Develop an integrated external border management system Ensure uniform high standards of border checks and border surveillance at EU external borders Reduce number of illegal cross border movements of people Further 'burden sharing' in management of external borders
Policy sub-area level indicators: The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of all third country national border crossings into EU (*Source: Commission - Eurostat statistics on asylum and migration*) The difference between the numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally as a proportion of

all third country national border crossings into EU through the most permeable and least permeable border. Note that this indicator would require to define the most and least permeable EU border. The numbers of illegal migrants apprehended that are known to have crossed the EU external border illegally (*Source: Commission - Eurostat statistics on asylum and migration*) The proportion of all resource commitments to external border management originating in countries without EU external borders *(Source: MS)*						
Main instruments	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Schengen Information System (SIS) II	Sharing of information among MS in order to refuse entry on the basis of uniform practices	Consistent input and further use of information among MS	Quality and a Availability of SIS II information for competent national authorities *Measured by:* Number of records per category *(Source: MS and Commission)*	Success in using SIS information. *Measured by:* Number of correctly identified persons who should be refused entry and wanted goods discovered *(Source: MS)*	Reduced permeability of the external border. Increased confidence to promote 'free movement' policies.	Clear intervention logic. Evaluation methods – analysis of trends and process changes. Commission responsible for evaluation co-ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS.

European Agency for the Management of Operational Co-operation at the External Borders (FRONTEX)	Improvement of operational cooperation between Member State authorities Increased competences of border guards	Co-operation with Agency and responses to good practice, training and other advice.	Operational cooperation *Measured by:* Number of joint operations and pilot projects carried out *(Source: Agency)* Development of risk analysis *Measured by:* Number of risk analyses carried out *(Source: Agency)* Increased training *Measured by*: Number of border guards trained Number of training courses and	Improvement of border control *Measured by:* Effective joint operations *(Source: Agency)* Increased intelligence *Measured by:* Use of risk analyses by national services *(Source: MS)* Better trained border guards *Measured by:* Use of newly acquired skills *(Source: MS)*	Improved resource deployment at external borders (due to better intelligence) Reduced permeability of external borders (due to better trained staff)	Difficult to assess causality of intervention. Evaluation methods – case studies, follow up surveys. EU leading the evaluation. (Other EU Agency evaluations have tended to be process rather than impact oriented)

			seminars offered *(Source: Agency)*			
Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)	To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions To promote the uniform application of Community law To encourage transparency of actions taken by the national authorities To improve the overall efficiency of national	Disbursement rate/amount spent per year	Successful implementation of programme measured by: Number of projects implemented per activity area Number of training actions implemented Number of staff exchanges implemented Number of actions promoting data exchange implemented Number of studies, conferences and seminars conducted *(Source: Commission)*	Increased cooperation between national administrations and with third countries *Measured by:* Number of common operative centres and joint teams set up Number of cooperation activities in third countries set up *(Source: Commission)*	Uniform application of Community law Improved transparency of actions taken by national authorities Improved efficiency of national administrations	Mid-term evaluation to be completed by July 2006.

	administrations in their tasks					
Teams of national experts	Further objectives of FRONTEX agency: Better deployment of resources in circumstances requiring special assistance Increased competences of border guards	Secondment of experts to teams.	Provision of technical and operational assistance. *Measured by:* number of assignments carried out by teams *(Source: Agency)*	Improved practice in border surveillance. *Measured by:* use of results of teams' work in border surveillance and efficiency of teams work *(Source: Agency and MS)*	Reduced permeability of external borders (due to assistance to staff) Facilitated legitimate travel	Evaluation methods – case studies, qualitative analysis.
Policy sub-area 2: Visa policy and free movement of persons						
Objectives: Prevent illegal immigration and threats to public order Reduce time taken and costs of acquiring visas for legitimate travellers. Reciprocation with third countries on visa waivers. Reduce number of visas given to travellers who become overstayers and illegal migrants Abolish controls at internal EU borders						

Policy sub-area level indicators:

The average time taken from application to receipt of (a particular class of) visa *(Source: MS, VIS)*

The average costs (fees) for (a particular class of) visa *(Source: MS, VIS)*

The number of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question (*Source: Commission)*

The total population of third countries where the visa requirements of nationals to enter the EU match those EU citizens visiting the country in question (*Source: Commission*)

The number of EU internal border crossings that are subject to controls *(Source: MS)*

Main instruments	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Common application centres (for Schengen countries)	Render the reception of visa applications more efficient through a better allocation of resources. Reduce costs in relation to capturing of biometrics. Harmonisation of reciprocal	Commitment to the centres. Participation in setting up the centres.	Number of centres established and MS involved *(Source: MS).* Number of visas issued through the centres *(Source: MS).*	Increased efficiency of providing visa services. *Measured by:* time taken to issue visas *(Source: MS)* *(Source: MS).* Improved use of visa related	Reduced costs to visa applicants. Reduced costs to administrations. Increased bone fide travel.	Evaluation method – efficiency analysis. Potential evaluation leadership from the MS and use of peer review process.

	procedures by MS			information *(Source: MS).*		
Visa Information System	Improve the implementation of the common visa policy by the exchange of visa data between Member States, in order to prevent visa shopping, to facilitate the fight against fraud, checks on visas, to assist in the identification of illegal immigrants, to facilitate the application of the Dublin II Regulation and to contribute to the prevention of threats to internal security.	Implementation at the national level, including the development/adaptation of national systems.	Number of number of visas refused, annulled, revoked, processing times *(Source: Commission).* Availability rate *(Source: Commission)*	Retention and sharing of data from visa applications and related decisions. *Measured by:* number of entries in VIS *(Source: Commission).* Measured: number of analyses conducted using VIS data *(Source: Commission).*	Improvement of application procedures, of checks at the external borders and within the Schengen territory, of the application of the Dublin II Regulation, of the identification of illegal immigrants and of the detection of fraud. Facilitated legitimate travel.	Monitoring and evaluation, by the Commission at EU level.
The reciprocity mechanism (Council Regulation	To ensure EU citizens can travel without a visa to all third countries whose nationals	Co-operation with the Commission, information sharing on bilateral dialogue with	Number of third countries who have waived visa requirements for EU nationals	Improved reciprocity measured by percentage of decrease of non-	Facilitated legitimate travel for EU travelers	Diplomatic efforts on EU level vis-à-vis third countries concerned.

851/2005)	don't need a visa to travel to the EU.	third countries	*(Source: Commission)*	reciprocity cases Improved dialogue and diplomatic contacts with third countries		The first Report of the Commission on reciprocity in visa waivers was adopted on 10 January 2006
Council Regulation on a Border code	To implement common rules governing the movement of persons across borders, to include both rules on checks at external borders and rules on the removal of checks on persons at internal borders and the reintroduction of such checks in certain circumstances. To improve integrated border management	Application in MS that apply the Schengen acquis	Harmonisation of rules governing the movement of persons at internal and external borders *(Source: Commission)*	Improved border management and control	Improved control of external borders Facilitated travel within the Schengen acquis	This regulation was adopted recently – February 2006.

POLICY AREA: CITIZENSHIP AND FUNDAMENTAL RIGHTS
Factors influencing evaluation mechanism: Relatively new policy area in JLS (although the citizenship policy as such is an established area in the EC/Commission activities), 1st pillar activities, a combination of instruments (legislation, funding programmes, new Community Agency). The nature of the instruments and their objectives leads to reliance on qualitative evaluation methods. However, there is scope for further improvements to the information base through surveys and the development of statistics. The objectives within the policy area are wide ranging and the sub policy areas as defined below are not distinct. There is some scope for evaluating sub sets of instruments in parallel.
Policy sub-area 1: Citizenship of the Union
Global objectives: Increase awareness of Union citizens of their rights and of the ways these can be enforced Decrease any obstacles for the enjoyment of their rights by Union citizens, in particular of the right to free movement and residence Increase participation of EU citizens in democratic life in the Union Facilitate the diplomatic and consular protection offered to the Union citizens in third countries
Policy sub-area level indicators: Levels of citizens' awareness of their rights and mechanisms of redress *(Source: Surveys and Eurobarometer reports)* Instances of right to free movement and residence hindered *(Source: complaints made to Commission)* Rates of voting registration and participation – percentage of increase/decrease *(Source: Member States)* Number of citizens standing for election to public office – percentage of increase/decrease *(Source: Member States)*

Instances of use and complaints from EU citizens over levels of consular protection *(Source: Member States)*						
Main instruments	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Directive 2004/38/EC on free movement and residence	Clarify and simplify existing Community law in field	Transposition into national legal systems	Relevant national laws adopted in line with Directive provisions and notified the Commission by 30.4.2006 together with a table of conformity. *(Source: Commission)*	Correct application of rules and provisions contained in the law *Measured by:* number of court cases/complaints resulting from the Directive *(Source: Commission)*	Facilitated free movement and residence	Evaluation leadership by the EU. Would benefit from strong involvement of MS in evaluation
Community legislation on the EP elections and on the right of non-national Union citizens' electoral rights in their country of residence	Ensure that the EP elections are conducted according to the basic principles of democratic elections Ensure the participation of non-national Union citizens to the EP elections and to the	Transposition into national legal systems	Relevant national laws adopted in line with provisions of Community law and notified to the Commission *(Source: Commission)*	Correct application of rules and provisions contained in the law *Measured by:* number of court cases/complaints resulting from the legislation *(Source: Commission)*	EP elections carried out democratically. Non-national Union citizens participate in the elections on the same conditions as nationals in EP elections and in municipal	

	municipal elections				elections.	
Fundamental Rights and Citizenship programme (part Citizenship)	Improve awareness of citizenship of the Union and related rights Encourage citizens to participate to actively to democratic life	Implementation of measures and projects.	Number of projects supported (studies conducted, activities undertaken) *(Source: programme monitoring system)* Number of 'beneficiaries' reached *(Source: programme monitoring system)*	Improved intelligence base *Measured by:* use of analytical results by policy makers *(Source: Commission and MS)* Dissemination of good practice in voter education and activation. *Measured by:* level of awareness of Programme's outputs *(Source: MS)*	Improved awareness of Union citizenship and related rights amongst EU citizens. Increased participation in democratic life.	Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.
Policy sub-area 2: Fundamental Rights						
Global objectives: Increase the awareness of fundamental rights amongst citizens. (This concerns the rights as protected on European Union and national level including the relevant regional and international instruments.) Decrease instances of breaches of fundamental rights (including breaches of privacy, personal data protection and protection from violence against						

children, women and youth)

Reduce the instances of racism, anti-semitism and xenophobia

Establish a Fundamental Rights Agency (from EUMC)

Increase number of participants in and their commitments to civil society

Policy sub-area level indicators:

Levels of citizens' awareness of fundamental rights *(Source: Surveys and Eurobarometer reports)*

Instances of breaches of fundamental rights, especially as a result of EU interventions (including breaches of privacy, personal data protection and protection from violence against children, women and youth) *(Source: Commission and FR Agency)*

Instances of racism, anti-semitism and xenophobia *(Source: FR Agency)*

Time commitments of population to participation in civil society *(Source: MS)*

Number of civil society organisations in NMS since accession *(Source: MS)*

Main instruments	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Relevant provisions of the Treaties on European Union and on European Community	Ensure that the EU institutions and the Member States fully respect fundamental rights	Compliance of the national legislation and practices with the fundamental rights	Community legislation as well as implementing national laws adopted in compliance with the Treaty	Correct application of rights and principles contained in the Treaty *Measured by:* number of court	Decreased level of breaches of FR Increased protection of rights of citizens	

				cases/complaints resulting from the legislation *(Source: Commission*		
Fundamental Rights and Citizenship programme (part Fundamental Rights)	Improve awareness of FR as protected on European and national level Improve research base Improve intensity and quality of interfaith and intercultural dialogue in MS Improve tolerance in the EU Improve quality of civil society organisations Improve rule of law Decrease breaches	Implementation of measures and projects.	Number of projects supported (studies conducted, activities undertaken) *(Source: programme monitoring system)* Number of 'beneficiaries' reached *(Source: programme monitoring* system)	Improved intelligence base *Measured by:* use of analytical results by policy makers *(Source: Commission and MS)* Increased awareness of issues in focus under the action *(Source: public opinion surveys, Commission)*	Improved awareness of FR amongst EU citizens Stronger civil society in the MS	Clear intervention logic. Evaluation would benefit from systematic surveys of public awareness.

	of FR in MS					
Preparatory action to support civil society in the NMS in areas of rule of law, democracy, FR, media pluralism, fight against corruption.	Improve quality of civil society organisations in NMS Improved rule of law in NMS Improve democracy in NMS Decrease breaches of FR in NMS	Implementation of measures and projects.	Number of projects supported (studies conducted, activities undertaken) *(Source: programme monitoring system)* Number of beneficiaries reached *(Source: programme monitoring system)*	Increased awareness of issues in focus under the action *(Source: public opinion surveys, Commission)*	Stronger civil society in the NMS	Clear intervention logic but difficult to measure outcomes and impacts, in part because of the scale and scope of the underlying objectives. Strong involvement of MS in evaluation
Daphne II programme	Reduce violence against children, adolescents and women	Implementation of measures and projects.	Number of projects supported (studies conducted, activities undertaken) *(Source: programme monitoring system)* Number of good practices identified *(Source: programme monitoring system)*	Increased awareness of the issues in wider society *(Source: public opinion surveys, Commission)* Adoption of good practice in tackling violence *(Source: MS).* Better intelligence	Reduced violence against children, adolescents and women	Evaluation leadership by the EU. Major problems of data reliability at the level of impacts.

			Number of 'beneficiaries' and victims reached *(Source: programme monitoring system)*	base. *Measured by:* use of analytical results by policy makers *(Source: Commission and MS)* Number of knowledge and practitioner communities created *(Source: Commission).* Number of improved facilities for victims *(Source: programme monitoring system)*		
Fundamental Rights Agency	Improve the availability, quality, and comparability of information on respect and promotion of FR.	Participation in Agency's activities	Provision of data and analyses of FR. *Measured by:* number of analytical outputs *(Source: Agency)*	Better intelligence base. Measured by: use of analytical results by policy makers *(Source: Agency and Commission)*	Decreased level of breaches of FR	Evaluations of EU agencies have tended to focus on process issues. Whilst objectives are clear it will be difficult to assess

	Improve co-ordination between stakeholders Improve public awareness of their FR		Number of reporting activities *(Source: Agency).* Number of networks of stakeholders supported *(Source: Agency).*	Better co-ordination of activities. Increased public awareness *(Source: public opinion surveys, Agency and Commission).*		causality and measure the impacts of the agency.
Data Protection Directive	Facilitate the free movement of personal information within the EU Protect rights of individuals Conclude agreements with third countries	Transposition of Directive into national legal systems Establishment of National Data Protection Supervisory authorities	Relevant national laws adopted pursuant to the Directive provisions *(Source: MS and Commission)*	Application of rules and provisions contained in the law. *Measured by:* - Appropriate enforcement mechanisms and remedies available to ensure respect for the law and assistance to individuals through: a) Judicial remedies b) Intervention of data protection	Facilitated movement of personal information within the EU Harmonised protection of individuals at a high level (both inside the EU and in third countries for personal data transferred from the EU)	Evaluation leadership by the EU but in partnership with MS

				supervisory authority (ex officio or following complaints) *(Source: MS)*		

POLICY AREA: COORDINATION IN THE FIELD OF DRUGS
Factors influencing evaluation mechanism: Activities in this policy area are cross pillar and cover a variety of areas, including health, police cooperation, information, evaluation and coordination. The EU Drug Action Plan and EU Drug Strategy are very important documents endorsed by the Council as the basic policy framework for all drugs issues within the EU and within the context of the EU's external relations. They cover all activities in this policy area and provide the guidelines for all Member States to implement the objectives and actions they contain into national policy. The Action Plan takes its lead from the objectives of the EU Drug Strategy and translates these objectives into 80 concrete actions. It concentrates on the two major aspects of drug policy, demand reduction and supply reduction, and also covers a number of cross-cutting themes: international cooperation, research, information and evaluation. It includes actions within EU competence (public health, precursor control, money laundering and development aid) as well as close cooperation between Member States and partnerships with international organisations. The Action Plan furthermore covers monitoring and evaluation and includes assessment tools and indicators for each action. The actions covered by the Action Plan are subject to an annual progress review by the Commission's services. Evaluation in this area is already well-established through the methods and indicators developed during the evaluation of the previous EU Drugs Strategy and Action Plan. Reliable data is available from the European Monitoring Centre on Drugs and Drug Addiction, Europol and the Commission. As with other policies relating to complex, global socio-political issues, the evaluation of the impacts of EU drug policy is a problematical and sensitive matter due to the multiple factors that have to be taken into account and for which there may not be reliable data by their very nature (e.g. figures for trafficking in illicit drugs are always rough estimates; corruption caused by trade in drugs is hidden, etc.).
Objectives: To significantly reduce the prevalence of drug use among the population and to reduce the social harm and health damage caused by the use of and trade in illicit drugs, and to strengthen international cooperation (EU Action Plan on Drugs 2005-2008)
Policy-level indicators: **The EU Action Plan contains the major legal instruments such as the Council Decision on the information exchange, risk assessment and control of new psychoactive substances, or the Framework Decision on penalties for drug trafficking. It also contains the assessment tools and indicators required for the evaluation process of these instruments and all other actions. These have been drawn up in cooperation with the**

EMCDDA and Europol, who will help the Commission to keep track of implementation.

On this basis the Commission will publish an Annual Progress Review and if necessary propose adjustments. Responsibility for implementation of actions and deadlines are clearly indicated in the Plan. To keep implementation on track, targets whose deadlines have passed or are unlikely to be met will be subject to recommendations for their implementation or identification of failure to implement. The Commission will carry out an impact assessment in 2008 in view of proposing a second Action Plan for 2009-2012. A final evaluation of the Strategy and the Action Plans will be carried out by the Commission in 2012. These evaluations will go beyond the strict confines of the Action Plan and will include, on the basis of the work of the EMCDDA and Europol, a general view of the evolution of the drugs situation in Europe.

POLICY AREA: COMMON IMMIGRATION AND ASYLUM POLICIES
Factors influencing evaluation mechanism: New policy area. 1st pillar activities. Interventions include legislation, programmes and cooperation activities. Good, comparable data is required and is planned. MS consensus about broad aims but not at individual instrument level. Impacts of these instruments on third-countries, and in particular development countries, to be considered.
Policy sub-area 1: Common European Asylum System
Objectives: To establish a common asylum procedure and uniform status, To facilitate practical and collaborative cooperation,

To address pressures on asylum systems and reception capacities.						
Policy sub-area level indicators: Number of asylum seekers applying for asylum in Member States other than the country of first entry *(Source: Eurodac)* Instances of MS breaching minimum defined standards *(Source: Commission)* Differences in standards of reception between Member States *(Source: Commission)* Differences between Member States with regard to the average time taken to determine the outcome of an application for asylum *(Source: MS and Commission)* Comparison of asylum acceptance rates among Member States[12] *(Source: Commission - Eurostat)* Differences in the level of capacity per Member State (asylum systems and reception facilities) relative to needs *(Source: Member States)*						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Dublin Regulation (Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for	To reduce 'asylum shopping' To increase responsibility sharing among	Adoption of measures implementing the Regulation at national level	Number of take back requests *(Source: Commission – Eurostat)* Number of applicants sent to another Member State *(Source:*	Decreased delay in the examination of claims and attribution of responsibility *Measured by:*	Increased sharing of responsibility Greater efficiency and effectiveness in implementing decisions on transfers	Numbers are available through Eurodac which allows for an assessment of trends. Evaluation of the 'Dublin

[12] Asylum acceptance rates can at the moment only be roughly estimated with the data currently available, as asylum decisions in one year often relate to applications made in earlier years.

determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national)	MS. To increase efficiency by granting MS a realistic period in which to implement decisions on transfers.		*Commission – Eurostat)* Number of multiple claims *(Source: Commission – Eurostat)* Number of registered irregular entrants *(Source: Commission – Eurostat)* Proportion of cases dealt within country of entry *(Source: Commission – Eurostat)*	*a*verage delay of examination before and after implementation of the Regulation *(Source: MS)* Decreased delay to implement decisions on transfers *Measured by:* average delay of transfer before and after *(Source: MS)*	Reduction of persons making multiple claims	System' will be ready in June 2006.
Eurodac	To facilitate application of the Dublin Regulation by identifying asylum seekers and persons who have entered the EU irregularly. To determine whether a	Member States to send required data to central unit.	Efficiency of the system *Measured by:* Number of records per Member State *(Source: Eurodac)* Number of successful and rejected transactions recorded in the system *(Source:*	Increased number of asylum applications being examined in the first country of asylum/entry *Measured by:* Percentage rate of change before	Improved efficiency in applying the Dublin Regulation	Difficult to judge whether MS use system correctly and systematically. Some scope for peer review but there could be constraints on independent evaluation. Evaluation is

	foreign national has previously claimed asylum in another MS.		*Eurodac)*	and after introduction of the system *(Source: MS)* Reduction of persons making multiple claims *Measured by:* Percentage rate of change before and after *(Source: MS)*		underway of the 'Dublin system' which considers both the Regulation and Eurodac.
Qualification Directive (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification of third country nationals and stateless persons as refugees or as persons who otherwise need international protection and the	To ensure a minimum level of protection in all Member States for those in need of protection. To guarantee the rights of persons qualifying for refugee status or subsidiary protection status To reduce	Transposition into national legal systems.	Reduction of disparities among Member States *Measured by:* Changes made to national legislation *(Source: MS and Commission)* Numbers of Member States achieving minimum standards or above *(Source: Commission)*	Reduction of false claims *Measured by:* Number of unfounded cases *(Source: MS)* Improved protection *Measured by:* Numbers granted refugee and subsidiary	Guarantee of a minimum level of protection across the EU Approximation of rights granted to refugees Reduction in disparities between legislation and practice Reduction of secondary movements	Common standards difficult to achieve as Directive allows scope for interpretation

content of the protection granted)	disparities between MS' legislation and practice. To limit secondary movements. To prevent false claims.			protection status *(Source: MS)* Improved access to rights *Measured by:* Increased numbers of refugees accessing education, services, employment, appropriate accommodation, integration programmes *(Source: MS)*	Fewer false claims Improved integration	
Reception Directive (Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers)	Ensure a dignified standard of living to asylum seekers across the EU. Address applicants special needs.	Transposition into national legal systems	Improved facilities *Measured by:* Expenditure on the improvement of reception facilities *(Source: MS)* Improvement of equal standards across the EU	Improved standard of living for asylum seekers *Measured by:* Number of asylum seekers living in appropriate	Approximation of standards of living for asylum seekers across the EU Improved facilities and services for asylum seekers Improved socio-vocational integration	Common standards difficult to achieve as Directive allows scope for interpretation. Evaluation due at the end of 2006.

	Ensure equal standards across the EU. Limit secondary movements.		*Measured by:* Numbers of MS achieving minimum standards or above *(Source: Commission)*	accommodation *(Source: MS)* Number of asylum seekers accessing services *(Source: MS)* Number of asylum seekers accessing employment and vocational activities *(Source: MS)* Number of specific provisions for applicants with special needs *(Source: MS)*	of asylum seekers Reduction of secondary movements	
ERF II	Support and encourage efforts in receiving refugees and displaced persons	Disbursement rate/amount spent per year	Increased reception capacity *Measured by:* Numbers of projects implemented per type of action *(Source: MS)*	Increased balance of effort among MS M*easured by:* The proportion of all resource commitments	Improved reception standards and conditions Increased access of asylum seekers to health, housing, education, services and	Indicators have been developed in the context of the final evaluation.

	Foster solidarity among MS Promote balance in the efforts to receive asylum seekers Promote the social, economic and cultural integration of target groups Promote voluntary return		Number of beneficiaries (per country of origin and target group) per type of action *(Source: MS)* Number of reception places *(Source: MS)* Increased capacity of services to asylum seekers *Measured by:* Number and type of services available*(Source: MS)* Number of beneficiaries receiving education and training *(Source: MS)* Increased voluntary returns *Measured by:* Number of voluntary returns *(Source: MS)*	*(Source: MS)* Increased social, economic and cultural integration of target groups M*easured by:* Percentage of persons per target group and activity able to apply new skills (i.e. percentage of persons who benefited from vocational training in employment)	labour market Fairer and more effective asylum procedures (including return) An improved balance in effort to receive asylum seekers	

Policy sub-area 2: Legal and illegal migration						
Objectives: To establish admission procedures capable of responding to fluctuating demands for migrant labour						
Policy sub-area level indicators: Skill shortages in vocations and professions *(Source: Commission - Eurostat, MS Labour Force Surveys, EEO)* Employment rates amongst migrant groups *(Source: Commission - Eurostat, MS Labour Force Surveys)* Estimation of the numbers of migrants overstaying the duration of their work permits *(Source: MS)*						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Family reunification Directive (Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification)	Determine conditions for the exercise of the right to family reunification by TCNs.	Transposition into national legal systems.	Reduction of disparities among Member States *Measured by:* Changes made to national legislation *(Source: MS and Commission)* Numbers of MS achieving minimum standards or above *(Source: Commission)*	Improved efficiency of procedures *Measured by:* Number of family members reunited *(Source: MS)* Reduced length of process: average delay before and after *(Source: MS)*	Facilitated procedures for family reunification Protection of right to family life	Common standards difficult to achieve as Directive allows scope for interpretation.

Directive on status of TCNs as long-term residents	Approximate national laws by creating a single status. Ensure equal treatment of TCNs throughout the EU.	Transposition into national legal systems.	Reduction of disparities among Member States *Measured by:* Changes made to national legislation *(Source: MS and Commission)* Numbers of MS achieving minimum standards or above *(Source: Commission)*	Equal treatment of TCNs *Measured by:* Numbers granted/refused status *(Source: MS)* Increased number of TCNs accessing employment, education and training (rate of increase) *(Source: MS)* Increased mobility of TCNs *Measured by:* Number of TCNs moving from one MS to another *(Source: Commission)*	Approximation of national laws Equal treatment and application of uniform rights for TCNs across the EU Improved mobility of TCNs Improved integration of TCNs	Common standards difficult to achieve as Directive allows for scope for interpretation

Directive on the admission of TCNs for the purposes of studies, pupil exchange, unremunerated training or voluntary service	To promote Europe as a world centre of excellence for studies and vocational training by promoting the mobility of TCNs to the Community for the purpose of studies The approximation of the Member States' national legislation on conditions of entry and residence	Transposition into national legal systems.	Approximation of national legislation *Measured by:* Changes made to national legislation *(Source: MS and Commission)* Numbers of MS achieving minimum standards or above *(Source: Commission)*	Increased mobility of TCNs to the Community for the purposes of study/vocational training *Measured by:* Numbers granted entry for study/vocational training/voluntary service *(Source: MS)*	Approximation of national laws Improved mobility of TCNs for study, vocational and volunteer purposes	Common standards difficult to achieve as Directive allows for scope for interpretation
Policy sub-area 3: Integration of third-country nationals						
Objectives: To prevent the isolation of certain groups and achieve successful integration of Third Country Nationals and their descendents To fight discrimination against legally residing Third Country Nationals						

To promote the exchange of experience and information						
Policy sub-area level indicators: Instances of discrimination *(Source: FR Agency, MS)* Employment rates of third country nationals *(Source: Commission - Eurostat, MS)* Employment rates of second generation migrants *(Source: SOPEMI Report, MS)* Relative income levels of third country nationals *(Source: Commission - Eurostat, MS)* Proportion of third country nationals living in poverty *(Source: Commission - Eurostat, MS)*						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
INTI preparatory actions (integration of TCNs)	Promote new and innovative ways of integrating immigrants. To encourage co-operation between MS and the creation of transnational partnerships and networks.	Disbursement rate/amount spent per year	Successful implementation REFINE *Measured by:* Numbers of projects and activities implemented and average sums of money involved *(Source: MS + Commission)* Number of TCNs	Identification of new and innovative practices Exchange of information and best practices promoted among EU MS Transnational networks and dialogue between	Increased cooperation among MS through networks and cooperation activities Increased dialogue with civil society Enhanced integration of TCNs Development and promotion of a European framework	Integration policies are implemented mainly at regional and local levels in MS. Differences exist among MS in terms of numbers of migrants and integration

	Enhance empowerment of migrants. Promote dialogue with civil society.		benefiting from projects Increased cooperation *Measured by:* Number of transnational networks set up *(Source: MS + Commission)* Number of new integration models identified and exchanged among MS	stakeholders supported among MS	approach on integration of TCNs	experience. Potential impacts may not be significant considering that this is a small fund with very diverse projects. Final evaluation is planned for 2007.
Policy sub-area 4: External dimension of asylum and migration						
Objectives: Assist third countries in migration management, intensify MS cooperation to manage migration flows and prevent humanitarian crises, integrate migration into third country relations, develop policies that link migration, development cooperation and humanitarian assistance, intensify cooperation with third countries on southern and eastern border of EU						
Policy sub-area level indicators: Increase/decrease over a 5-year period of: Numbers of legal migrants by third country *(Source: Commission - Eurostat)* Numbers of illegal migrants by third country intercepted crossing an external border *(Source: Commission – Eurostat)* Numbers of visa overstayers by third country intercepted *(Source: MS)*						

Numbers of asylum applications by third country *(Source: Commission - Eurostat)* Numbers of failed asylum applications by third country *(Source: Commission - Eurostat)* Numbers of failed asylum seekers returning to country of origin /other third country *(Source: MS)* Number of victims of trafficking from third countries *(Source: MS)*						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Programme for financial and technical assistance to third countries (AENEAS)	Give specific and complementary financial and technical aid to third countries in order to support their efforts to improve the management of migratory flows Develop legislation in third countries on legal immigration and international protection	Not applicable (action is at Community level)	Successful implementation *Measured by;* Number of information campaigns organised on advantages of legal migration/consequences of illegal migration in third countries *(Source: Commission)* Number of returnees benefiting from reintegration programmes *(Source: Commission)*	Development of legislation in third countries *Measured by:* New legislation passed in third countries on legal and illegal migration *(Source: Commission)* Decreased number of illegal migrants entering the EU *Measured by:*	Improved management of migration flows Decrease in illegal migration and trafficking Increased awareness in third countries on advantages of legal migration/consequences of illegal migration Successful reintegration of returnees	High number of external factors to the programme influence impact indicators. Causality links difficult to establish. As action is at Community level, MS will not contribute to evaluation. May be difficult to evaluate as this is a new area which is also

	Raise public awareness in third countries on advantages of legal migration and consequences of illegal migration Establishment in third countries of preventive policy in the fight against illegal migration Readmission and durable reintegration of returnees			rate of decrease *(Source: Commission)*		highly political. A Communication on the future of the AENEAS fund was adopted in January 2006.
Policy sub-area 5: Return and re-admission						
Objectives: To establish an effective removal and repatriation policy based on common standards for persons to be returned in a humane manner and with full respect for their human rights and dignity.						
Policy sub-area level indicators: Increase/decrease over a 5-year period of: Proportion of failed asylum seekers (and illegal migrants) who are repatriated *(Source: MS)*						

Numbers returned to countries subsequently deemed unsafe within a period of two years *(Source: MS)* Numbers (of labour market age) in employment in country of origin 12 months after being subject to return						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Preparatory actions for Return Management	To support efforts made by MS to improve the organisation and implementation of integrated return management and specific measures in the area of return management To increase knowledge and capabilities in the area of return management To develop co-operation between MS with respect to	Disbursement rate/amount spent per year	Number of actions implemented relating to the introduction and improvement of the organisation and implementation of integrated return management *(Source: Commission)* Number of actions implemented relating to the introduction and improvement of specific measures in the area of return management *(Source: Commission)* Number of actions implemented relating to the increase of knowledge and capabilities in the area of return management	Increased number of returnees *Measured by:* rate of increase *(Source: MS and Commission)* Reduction in cost of detaining illegal migrants *Measured by:* rate of reduction *(Source: MS and Commission)*	The strengthening of efforts made by Member States at improving the organisation and implementation of integrated return management Improved organisation and implementation of integrated return management Increased knowledge and capabilities in return management Increased cooperation between MS and countries of return with respect to return management	

	return management as well as co-operation with countries of return To promote sustainable return, thereby avoiding secondary movements		*(Source: Commission)*		Reduction in illegal migrants living in the Member States (overstayers) Increased removal of illegal third country nationals Decrease secondary movements Improved return conditions	
Re-admission agreements	To facilitate the readmission to their own country of persons residing without authorisation in a Member State. To combat illegal immigration To improve the effectiveness of return	(These are reciprocal agreements between the EU and third countries.)	Successful implementation of the agreements *Measured by:* Number of persons readmitted to third countries covered by the agreements	Increased number of returnees *Measured by:* rate of increase *(Source: Commission and MS)* Reduction in cost for detaining illegal migrants *Measured by:* rate of reduction *(Source: MS)*	Decrease in illegal immigration Improved effectiveness of return procedures	Agreements have been signed with Hong Kong, Macao, Albania, Sri Lanka and Russia. Others are currently being negotiated.

	procedures					
Policy sub-area 6: Horizontal issues						
Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Proposed mutual information procedure on planned national asylum and immigration measures	Enhance mutual information of national immigration and asylum policies between MS policy-makers	Cooperation by MS	Successful implementation of procedure *Measured by:* Number of national measures submitted through the system Number of responses generated to requests for information *(Source: MS + Commission)* Meetings organised *(Source: MS + Commission)*	Increased knowledge of other Member State policies and measures	Anticipation of effects of changes to other national policies Better understanding of other national contexts could lead to an enhancement of the possibilities for harmonisation	Procedure yet to be implemented. Implementation could start in 2007.
European Migration Network	Provide the Community and MS with objective,	Organisation of activities at national level by national contact	Successful implementation of network	Better and faster access to information on migration and	Increased knowledge and understanding of the migration phenomenon at	Proposal and impact assessment due by September

	reliable and comparable information on migration and asylum.	points	*Measured by:* Number of products produced *(Source: MS + Commission)* Number of meetings and conferences held *(Source: MS + Commission)* Number of networks set up at national level *(Source: MS)*	asylum Increased knowledge of issues at national level Increased information sharing between actors	Member State and EU level Increased capacity to "anticipate" migratory developments	2006 for a Council Decision on the future EMN.
Proposed Regulation on Community statistics on migration and international protection	Improve the statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.	Adoption of measures at national level	Successful implementation of Regulation *Measured by:* Increased proportion of statistical data items supplied according to the harmonised definitions as opposed to national definitions *(Source: MS)* Increased proportion of statistical data items directly based on	Increased availability of data Improvement to quality and comparability of data between Member States *Measured by:* Improvements in the completeness, timeliness and degree of harmonization of	Improved analyses of data Improved statistical knowledge	Regulation will probably be adopted in 2006. First reference year for the statistics will be 2008.

			appropriate data sources as opposed to statistical estimations *(Source: Commission - Eurostat))*	migration and asylum data supplied to the Commission - Eurostat *(Source: Commission – Eurostat)*		
Action Programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO)	To promote cooperation between national administrations responsible for implementing Community rules and to ensure that proper account is taken of the Community dimension in their actions To promote the uniform application of Community law To encourage transparency of actions taken by the national	Disbursement rate/amount spent per year	Successful implementation of programme measured by: Number of projects implemented per activity area Number of training actions implemented Number of staff exchanges implemented Number of actions promoting data exchange implemented Number of studies, conferences and seminars conducted	Increased cooperation between national administrations and with third countries *Measured by:* Number of common operative centres and joint teams set up Number of cooperation activities in third countries set up *(Source: Commission)*	Uniform application of Community law Improved transparency of actions taken by national authorities Improved efficiency of national administrations	Mid-term evaluation to be completed in July 2006.

	authorities To improve the overall efficiency of national administrations in their tasks		*(Source: Commission)*			

POLICY AREA: ESTABLISHING A GENUINE EUROPEAN AREA OF JUSTICE IN CRIMINAL AND CIVIL MATTERS
Factors influencing evaluation mechanism: The policy area includes both first pillar (civil justice) and third pillar (criminal justice) matters. The main instruments are legislation including the introduction of new legal instruments and activities to stimulate judicial cooperation. Evaluation should cover the implementation of mutual recognition instruments and the various flanking (confidence building) measures that make mutual recognition possible. The potential to identify the causal links between the interventions and the achievement of objectives is greater within civil matters than criminal matters. Information on the scale and nature of the relevant (cross border) civil and criminal matters is however poor. The instruments in both sub policy areas are potentially reinforcing. The classification of the instruments within the civil matters sub policy area relate to both process (cooperation and procedures) and to substantive problems addressed by the instruments (cross border disputes and breakdown of international marriages). There is also a miscellaneous sub category. The achievement of a European area of justice in criminal matters may be constrained by continued variations in definitions of crimes and penalties. Several of the instruments mentioned under civil matters are 'forthcoming'. They are included however because they illustrate aspects of the evaluation challenges in this policy area. The Judicial training instrument is relevant to both sub policy areas. There are close links between the instruments and objectives of the policy sub area 2 Criminal matters, and the objectives and activities in the policy area: law enforcement cooperation, prevention and fight against organised crime. Also, it should be noted that adjustments to the indicators put forward in criminal matters may take place in light of the implementation of the forthcoming Action Plan on statistics in the field of crime and criminal justice (see more expanded reference on page 49).
Policy sub-area 1: Civil matters
Objectives: To increase mutual recognition and enforcement of judicial decisions To establish clear rules on jurisdiction and applicable law To reduce the costs of resolving cross border disputes To increase the likelihood that cross border disputes are resolved To reduce the likelihood of cross border disputes arising

To reduce the negative consequences of breakdowns in 'international' marriages and prevent child abduction						
Policy sub-area level indicators: Number of mutually recognised judicial decisions Average costs (of different types) of cross-border disputes Number of cross-border cases not resolved Spouses' (perceptions of) costs of international divorces The number and amount of cross-border maintenance claims not paid *Source: MS*						
Main instrument	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Horizontal cooperation activities						
Specific programme 'Civil justice' (Framework Programme 2007-2013 Fundamental Rights and Justice)	To increase mutual confidence of judicial actors. To increase instances of mutual recognition. To reduce application of	Participation in and support for cooperation programme.	Number of meetings, workshops. Numbers of legal, judicial and administrative authorities involved in cooperation.	Increased knowledge of Member States legal and judicial systems in civil matters. Measured by: Levels of knowledge	Mutually recognised decisions acted upon/ enforced. Increased legal certainty. Improved access to justice.	Establishing causal links between the interventions and outcomes and impacts will be problematic

	intermediate procedures.		*Source: programme monitoring system*	amongst relevant authorities *(Source: MS surveys)*	Decreased costs and time spent in accessing justice due to disparities in civil law and civil procedures.	
European judicial network in civil and commercial matters	To improve and facilitate co-operation in civil justice matters To facilitate access to justice and information To reduce costs of access to information on international and European law and national judicial systems by EU nationals (and therefore increase access).	Participation in and support for cooperation programme.	Meetings, publications website. Numbers of legal actors involved in cooperation. *Source: Network management reports (Source: Commission)*	Hits and usage of website (*Source: Commission*)	Improved access to justice and quality of advice on cross (internal) border issues. Improvement of judicial cooperation between MS and courts	Establishing causal links between the interventions and outcomes and impacts will be problematic
Rules on procedures						
Regulation on jurisdiction and the recognition	To harmonise national rules of conflict of	Implementation	Harmonised Community rules	Simpler and quicker procedures to recognise and	Better and quicker access to justice	Clear intervention logic

and enforcement of judgements in civil and commercial matters (Brussels I 44/2001)	jurisdiction To simplify procedures for recognition and enforcement of judgements from MS		(*Source: MS reporting to Commission)*	enforce the judgements Measured by: Length of time taken to recognise and enforce the judgements *(Source: MS)*	Prevent conflict of jurisdiction	
Regulation on taking evidence in civil and commercial matters (1206/2001)	To improve, simplify and speed up procedures for taking evidence between the courts of different MS	Implementation	Establishment of facilitated cross-border procedures between courts in different MS for taking evidence (*Source: MS reporting to Commission)*	Quicker and more efficient judicial procedures Measured by: Length of time taken to take evidence between courts *(Source: MS)*	Better and quicker access to justice	Clear intervention logic.
Regulation on the service of documents in civil and commercial matters (Regulation 1348/2000)	To increase efficiency and speed in judicial procedures To improve and expedite the transmission of	Implementation	Establishment of common rules on transmission of judicial and extrajudicial documents between	Quicker and more efficient judicial procedures Measured by: Length of time taken to transmit	Better and quicker access to justice Quicker judicial procedures	Clear intervention logic.

	documents between MS		MS(*Source: MS reporting to Commission)*	the documents and enforce judgements *(Source: MS)*		
Directive on legal aid in cross-border disputes (Council Directive 2003/8/EC)	To guarantee adequate level of legal aid in cross-border disputes through establishing minimum common standards between MS	Implementation	Minimum common standards relating to legal aid in cross-border disputes (*Source: MS reporting to Commission)*	Adequate levels of legal aid in cross-border disputes *(Source: MS)*	Improved access to justice, especially of vulnerable groups	Clear intervention logic.
Resolution of cross border disputes						
European payment order (forthcoming)	To reduce the costs and time taken to make payments. To increase the number of cross-border orders for payment	Implementation	Numbers of cross-border orders for payment made	Reduction of intermediate procedures	Reduced costs and time of litigation in cross-border cases concerning uncontested pecuniary claims. Improved access to justice. Facilitated recovery of cross-border debts	Establishing causal links between the interventions and outcomes and impacts will be problematic. Proposal yet to be adopted.

European enforcement order for uncontested claims (Regulation 805/2004)	To enable quick and efficient enforcement of an uncontested claim between MS	Implementation	Number of applications of European enforcement order in EU MS (*Source: MS*)	Quicker and more efficient enforcement of uncontested claims in another MS Measured by: Length of time needed to enforce such a claim *(Source: MS)*	Reduced costs and time in such cross-border cases Improved access to justice	Establishing causal links between the interventions and outcomes and impacts will be problematic
Instrument on Alternative Dispute Resolution (ADR)	To reduce the costs of dispute resolution To facilitate recourse to mediation by improving legal certainty	Implementation	More possibilities and better awareness of possibilities for ADR	More attempts to use ADR	Reduced costs of dispute resolution More disputes resolved without going to court	Establishing causal links between the interventions and outcomes and impacts will be problematic
Instrument on small claims	To facilitate cross-border access to justice for small claims To reduce the costs and time taken to resolve	Implementation	Application of Small Claims Procedure in the 25 EU MS (*Source: MS*)	Increased number of small claims pursued. (*Source: MS*)	More small claims resolved. Increased legal certainty. Increased access to justice.	Proposal yet to be adopted.

	small claims. To increase the number of legitimate small claims made.					
Marriage and divorce law						
Instrument on maintenance obligations	To improve and simplify enforcement procedures of maintenance obligations. To enhance cooperation. To clarify what is applicable (non-conflicting) law	Implementation	Application of Regulation in maintenance obligations proceedings in 25 EU MS (*Source: MS*)	Reduction of intermediate procedures. Reduced cases of forum shopping Increased cooperation between legal professionals / competent authorities in the Member States (*Source: MS*)	Increased legal certainty Better informed decisions Mutually recognised decisions acted upon/ enforced. Facilitated recovery of debts (maintenance for creditors)	Instrument is at the Council discussion stage. Establishing causal links between the interventions and outcomes and impacts will be problematic. Evaluation requires good data from the Member States.
Regulation on jurisdiction and recognition and enforcement of judgements in matrimonial	To harmonise rules of jurisdiction To enable automatic	Implementation	Establishment of harmonised rules on jurisdiction (*Source: MS*)	Quicker and more efficient recognition and enforcement of judgements	Better access to justice Better protection of citizens in case of divorce	Evaluation requires good data from the Member States.

matters and parental responsibility (Brussels II, 2201/2003)	recognition and enforcement of judgements between MS			Measured by: Length of time taken to recognise and enforce a judgement (*Source: MS*)	Facilitated visiting rights for parents Better protection of children's' rights	
Various						
Instrument on the conflict of laws in the area of contractual obligations (Rome I).	To reduce costs associated with differences regarding non-contractual obligations To increase party autonomy and flexibility To increase legal certainty for consumers and internal market	Implementation	Numbers of cross-border disputes settled Application of conflict of law rules in the MS (*Source: MS*)	Improved mutual trust between judicial authorities Faster procedures. (*Source: MS*)	Reduced uncertainty. Reduced costs. Facilitated mutual recognition of international contracts	Proposal in discussion stage.
Proposal for a regulation on the law applicable to non-contractual obligations (Rome	To harmonise rules on non-contractual obligations	Implementation	Provision of a set of community rules Application of	Improved mutual trust between judicial authorities Faster procedures.	Reduced legal uncertainty. Better access to justice	Establishing causal links between the interventions and outcomes and impacts

II, COM(2003) final)	To increase legal certainty		rules in the MS (*Source: MS*)	(*Source: MS*) Increased legal certainty for victims of damages and perpetrators of torts	Reduced costs of accessing justice	will be problematic
Regulation on insolvency proceedings (1346/2000)	To improve efficiency and effectiveness of cross-border insolvency proceedings To prevent shopping for a more favourable legal position	Implementation	Provision of a set of community rules Application of rules in the MS (*Source: MS*)	More efficient and effective cross-border insolvency proceedings Prevention of shopping for a more favourable legal position Measured by: Time taken for proceedings Perceptions of shopping amongst legal professionals (*Source: MS, surveys*)	Better access to justice Reduced costs of accessing justice Better resolution of cross border insolvencies Better cooperation between courts and administrators of insolvency	Clear intervention logic
Directive on	To facilitate better	Implementation	Co-operation	Better access to	Better access to	Clear intervention logic

compensation to crime victims (2004/80/EC)	access for victims to compensations where crime was committed in another MS To establish a compensation mechanism in such cases		mechanism between MS set up (*Source: MS*)	compensation to victims of crimes in cross-border situations (*Source: MS*)	justice Better compensation for victims of cross-border crime in Europe	
Policy sub-area 2: Criminal matters (Justice)						
Objectives: To promote mutual recognition To increase confidence and other conditions leading to mutual recognition To reduce differences in the definition of crimes. In particular, to explore common definitions and procedures for human trafficking and cross border crimes To reduce differences in detention and trial procedures To improve taking of evidence To reduce differences in penalties To speed up cross border arrest and surrender procedures To facilitate cross border management, freezing and confiscation of criminal assets To protect victims of crime						

Policy sub-area level indicators:

Number of mutually recognised judicial decisions

Extent of mutual confidence: proportion of officials in national administrations who have high confidence in other MS systems (measured by surveys of national authorities)

Level of awareness of judicial actors of other MS systems

Number of definitions of crimes approximated

Number of reduced differences in detention and trial procedures and definition of penalties

Length of cross-border arrest and surrender procedures

Size of criminal assets frozen and confiscated in cross-border cases

Source: MS

Main instrument (and type of instrument)	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
European arrest warrant and the surrender procedures between Member States (Council Framework Decision of 13 June 2002on the	To facilitate and expedite surrender procedures in respect of persons wanted for trial and sentenced persons between Member States	Transposition	Numbers of arrest warrants issued, executed and refused Numbers of persons surrendered and of persons received from other Member	Faster and simpler surrender procedures *Measured by:* Average duration of surrender procedures (*Source: MS*)	Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence	Requires good data from MS. MS must actively participate in evaluation.

European arrest warrant and the surrender procedures between Member States (2002/584/JHA))			States and numbers of persons consenting to surrender. (Source: MS)		between judicial authorities. Increased security and safety within the EU	
Instrument on the execution of orders freezing property or evidence (Council Framework Decision 2003/577/JHA of 22 July 2003)	To facilitate recognition and execution of freezing orders issued by a judicial authority of another Member State	Transposition	Number of freezing requests issued and executed (Source: MS)	Increased efficiency and effectiveness of freezing orders *Measured by:* Faster procedures to freeze assets Increased use of procedures to freeze assets Increased speed of national procedures as a consequence of freezing order Improved access to evidence obtained/ Improved recovery of assets	Increased efficiency of procedures; increased mutual confidence between judicial authorities. Decreased levels of organised crime (*Source: Europol reports*)	Requires good data from MS.

				(Source: MS)		
Instrument on the application of the principle of mutual recognition to financial penalties (Council Framework Decision 2005/214/JHA of 24 February 2005)	To facilitate the enforcement of financial penalties imposed by judicial or administrative authorities in a Member State other than the State in which the penalties were imposed.	Transposition	Number of decisions and issued and executed *(Source: MS)*	Faster and more effective procedures to ensure enforcement of financial penalties Measured by: Average length of procedures *(Source: MS)*	Dissuasive effect to potential criminals and decreased level of financial crime Increased visibility of mutual recognition, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.	Requires good data from MS. Difficult to measure causal links between outcomes and impacts
Instrument on the exchange of information extracted from the criminal record (Council Decision 2005/876/JHA of 21 November 2005)	To improve exchanges of information on criminal records between Member States	Voluntary compliance	Number of requests sent , number of replies sent -for the purpose of criminal proceedings, and - for other purposes Respect of	Improved knowledge available to sentencing authorities about the convicted person's full European criminal record. Improved circulation of information on criminal records for other purposes (e.g.	Dissuasive effect to potential criminals and hence decreased levels of crime Increased visibility of mutual recognition, better knowledge of each other's	Requires good data from MS. Difficult to measure causal links between outcomes and impacts

			deadlines *(Source: MS*)	employment) Improved quality of information on criminal records from abroad in the Member State of nationality *(Source: MS)*	judicial systems and increased mutual confidence between judicial authorities. More appropriate and better informed sentencing decisions	
Instrument on the standing of victims in criminal proceedings (Council Framework Decision of 15 March 2001)	To assist victims before or after criminal proceedings	Transposition	Application of rules the instrument *(Source: MS)*	Better information for victims on legal advice and on their rights, protection for vulnerable victims and more appropriate methods of obtaining evidence Improved situation for victims in relation to criminal proceedings *(Source: MS)*	Raised awareness of victims' rights amongst practitioners *Measured by MS surveys* Better access to justice	Requires good data from MS.
Framework programme on police and judicial	Help legal practitioners, law enforcement	Commitments to AGIS projects	*Number of activities promoting training and expert*	Development of instruments, strategies and	Improved operational procedures and	Transnational cooperation activities normally require

cooperation in criminal matters (AGIS)	officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices. Encourage Member States to step-up co-operation with the applicant countries and other third countries	Participation	*mobility* *Number of dissemination activities* *Number of conferences and seminars* *Number of studies, research and evaluations* *(Source: Commission)*	activities for cooperation Development of methods, techniques and instruments for operational and training use Exchange and dissemination of information, experience and best practices *(Source: Commission)*	approaches Better operational cooperation Cross-border use of good practices Mutual understanding of respective police, legal and administrative systems Common perception of criminality	qualitative approaches to evaluation taking account of varying contexts.
Flanking measures in place						
The European Judicial Network (Joint Action of 29 June 1998 adopted by the Council)	To improve judicial cooperation between Member States through direct contacts between judicial	Designation of national contact points	Regular meetings, creation and updating of specific tools (website, "fiches belges", atlas and SOLON legal	Increased efficiency of procedures and better communication between judicial authorities. Measured by:	Improved functioning of mutual recognition instruments, better knowledge of each other's	

	authorities		glossary) Number of cases in which the EJN is involved. *(Source: EJN and Member States)*	Average duration of procedures, analysis of outcomes of proceedings, perceptions of ECJ as a communication tool *(Source: EJN and Member States)*	judicial systems and increased mutual confidence between judicial authorities.	
Eurojust (Council Decision of 28 February 2002)	Better co - ordination of investigation and prosecution of serious cross-border crime	Appointment of national experts to Eurojust	Immediate access to information about legal systems from a practitioner of the nationality of the Member States in question. Measured by: number of cases where Eurojust is used Establishment of the coordination role. Establishment of Eurojust as a potential arbiter of conflicts of	Increased efficiency of procedures and better communication between prosecutors and judicial authorities. Measured by: Average duration of procedures, analysis of outcomes of proceedings *(Source: Eurojust and MS)*	Increased cross border prosecution rates and improved efficiency (evidence gathering, mutual information exchange on procedural matters) Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased	

			jurisdiction. Establishment of Eurojust as peporting authority for problems with European Arrest Warrants. (*Source: Eurojust and MS)*		mutual confidence between judicial authorities.	
Joint investigation teams (Council Framework Decision of 13 June 2002)	To facilitate, expedite and improve investigations in cross border cases	Transposition	Setting up of joint investigation teams Number of cases investigated by such teams (Source: MS)	Efficient gathering of evidence in cross border cases Measured by: Average duration of cross-border case reaching the court (Source: MS)	Increased range of judicial cooperation tools. Improved functioning of mutual recognition instruments, better knowledge of each other's judicial systems and increased mutual confidence between judicial authorities.	

Horizontal instrument for both Sub Policy area 1 (Civil matters) and Sub Policy area 2 (Criminal matters)						
Judicial training	To improve knowledge of relevant EU instruments among legal practitioners To enhance mutual understanding of legal systems among judges and prosecutors To co-ordinate national judicial training programmes To promote better language skills among European legal practitioners	Participation in training activities	Organisation of training activities *Measured by:* Training programmes offered, number of participants benefiting from training on EU matters) *(Source: Commission. Participant feedback)*	In evaluating the success of this policy, regard must be had to the effective use of available EU funding. Increased number of judicial training activities, increased coordination between national judicial training programmes, development of the European Judicial Training Network. *Measured by:* Quality of training activities, number of participants in exchanges Improved knowledge of European and international instruments amongst judges and prosecutors (Source: MS	Increased understanding of mutual recognition Promotion of a European judicial culture.	

				Interviews with law enforcement and judicial actors)		

5.1. POLICY AREA: LAW ENFORCEMENT COOPERATION AND PREVENTION OF AND FIGHT AGAINST GENERAL ORGANISED CRIME

Factors influencing evaluation mechanism: Policy based on the TEU Title VI (third pillar). Activities include legislation, including the approximation of crimes and penalties and cooperation measure. Establishing causal links between the EU interventions and the ultimate objective of reducing crime is always likely to be problematic. The current factsheet intends to facilitate the assessment of the implementation of EU instruments in this area. Full fledged evaluation will require substantial improvements in the quality and availability of statistical information in the field of crime and criminal justice. The forthcoming Action Plan in this field (to be adopted by the Commission in July 2006) will address these issues and put forward concrete proposals, including carrying out an inventory and setting-up an expert group. In this context, this factsheet and the indicators included therein will necessarily be adjusted and improved in the light of the implementation of the Action Plan, and could be used as a starting point for discussions in this field.

Policy sub-area 1: Crimes and Sanctions (i.e. legislation to fight organised (cross border) crime and terrorism)

Objectives:

To combat:

- Terrorism
- Smuggling and trafficking of human beings,
- Sexual exploitation, racism and xenophobia,
- Financial and economic crime,
- Environmental crime,
- Illicit trafficking in goods,
- Organised crime and cyber crime.

To reduce the financial resources available to those involved in organised crime To criminalise active and passive corruption
Policy sub-area level indicators: Numbers and trends of successful prosecutions for (S*ource: UN crime and criminal justice trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*): • Smuggling and trafficking of human beings, • Sexual exploitation, • Financial and economic crime, • Environmental crime, • Illicit trafficking in goods (including firearms), Numbers of successful prosecutions for organised crime (S*ource: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*) Numbers of prosecutions for active and passive corruption (S*ource: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*) Perception of levels of active and passive corruption (S*ource: Transparency International survey)* Numbers of crimes subject to EU interventions and instruments (S*ource: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, Commission crime and criminal justice statistics*)

Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Terrorism						
Council Framework Decision (FD) of 13 June 2002 on combating terrorism (2002/475/JHA)	To approximate the definition of terrorist offences, and penalties and sanctions in all MS To establish jurisdictional rules to ensure that offences are prosecuted To apply specific measures for victims of terrorist offences	Implementation of FD	Application of FD provisions. *Measured by:* The number of definitions of offences, penalties and sanctions approximated Number of measures applied for victims of terrorist offences *(Sources: MS)*	Number of terrorists prosecuted as a result of FD	Reduced instances of terrorist activities Improved help to victims of terrorism	Difficult to assess the causal links between outputs, outcomes and impacts
Pilot project on victims of terrorism	To help the victims of terrorist acts and/or their relatives to	Implementation of projects	Number of beneficiaries assisted through psychological	Improved cooperation and exchange Increased research	Improved social and psychological support to victims of	

	recover by means of social or psychological support provided by organisations and/or their networks. To raise the awareness of the European public against the terrorist threat, so that the traditional fight against terrorism through police and judiciary measures can be complemented by public opinion condemning terrorism in all its forms.		support Number of special training programmes organised Number of social integration programmes organised for victims Number of special medical programmes created Number of events and information campaigns organised	on the situation of victims of terrorist acts Creation of reception centres for victims	terrorist attacks Increase awareness of the European public	
Pilot project on prevention, preparedness and	To combat terrorism	Implementation of projects	Number of studies carried out	Development of capabilities for the management of	Improved expertise on	

response to terrorist attacks	To improve the security of citizens		Number of expert networks set up	crises Exchange of experience and best practice	terrorism Increased exchange of expertise Increased cooperation with international partners	
Smuggling and trafficking of human beings						
Council Framework Decision (FD) 2002/629/JHA of 19 July 2002 on combating trafficking in human beings	Reduce human trafficking	Implementation of FD	Application of FD provisions. *Measured by:* Number of detentions resulting from FD *(Source: MS)*	Successful prosecutions resulting from FD *(Source: MS)*	Reduced trafficking in human beings Reduction in damage to victims of trafficking	Identifying cases specifically linked to FD may be problematic
Sexual exploitation						
Council frameword decision (FD) 2004/68/JHA of 22 December 2003 on	Reduce sexual exploitation of children. Reduce child	Implementation of FD	Application of FD provisions. *Measured by:* Number of	Successful prosecutions resulting from FD *(Source: MS)*	Reduced sexual exploitation of children. Indicated for example by reductions in	Identifying cases specifically linked to FD may be

combating the sexual exploitation of children and child pornography	pornography.		detentions resulting from FD *(Source: MS)*		numbers of complaints. Reduced child pornography. Indicated for example by reduction in number of illicit websites and other outlets.	problematic
Financial and economic crime						
Council Framework Decision (FD) of 22 July 2003 criminalising corruption in private sector	Criminalise active and passive corruption	Implementation of FD	Application of FD provisions. *Measured by:* New crimes detected as a result of FD Number of detentions resulting from FD *Source: MS)*	Successful prosecutions resulting from FD *(Source: MS)*	Reduced corruption in private sector. (*Source: Transparency International surveys*)	
FD on money laundering and counterfeiting of	Criminalise fraud involving any form of non-	Implementation of FD	Application of FD provisions.	Successful prosecutions resulting from FD	Reduced money laundering and counterfeiting of	

non-cash payments	cash means of payment in all MS		*Measured by:* New crimes detected as a result of FD Number of detentions resulting from FD *Source: MS)*	*(Source: MS)*	non-cash payments *(Source: national criminal justice statistics)*	
Illicit trafficking in goods						
Proposal for a regulation on import/export licensing system for firearms	Reduce firearms trafficking. Harmonize the regime for import and export of firearms.	Establishment of the system	Application of the regulation *Measured by:* Numbers of arms licensed *(Source: MS)*	Increased control over imports and exports of firearms *Measured by:* perceptions of law enforcement agencies *(Source: MS)*	Reduced firearms trafficking Reduced use of illicit firearms	Clear intervention logic (forthcoming) The instrument is relevant to borders policy area.
Organised crime						
Council Framework Decision 2001/500/JHA	Approximate definitions, incriminations and sanctions	Implementation of FD	Application of rules and provisions contained in FD	Assets frozen and confiscated. *Measured by*:	Reduced money laundering Reduced crime	Regular monitoring reports from the Commission

of 26 June 2001 relating to money laundering, identification, tracing, freezing or seizing and confiscation of the instrumentalities and proceeds from crime	Improve mutual legal assistance in the investigation and prosecution of this type of crime		*Measured by:* Instances of suspicious transactions reported to entities subject to reporting obligations Penalties resulting from FD Prosecutions resulting from FD Reduction of the differences in maximum penalties among MS *(Source: MS, Commission)*	Effective judgments pronounced Amounts frozen and confiscated *(Source: MS)*	*Measured by:* Perceptions of law enforcement agencies.	Identifying cases specifically linked to the FD may be problematic (This instrument might fit better under financial crime although it is about enacting penalties and might better fit under Justice criminal matters. Evaluation need to be done in combination with the third money laundering directive).
Proposal for a FD on fight against organised crime (2005)	Harmonise the definition of offences and penalties Facilitate	Implementation of FD	Application of rules and provisions contained in FD. *Measured by:* Better harmonised	Increased judicial co-operation *Measured by:* Trials and successful	Reduced organised crime *Measured by*: Perceptions of law enforcement	Difficult to measure impacts Identifying cases specifically

	cooperation between judicial authorities and coordinate their activities.		definition of offences and penalties. Instances of judicial cooperation *(Source: MS, Commission)*	prosecutions resulting from FD *(Source: MS)*	agencies.	linked to the FD may be problematic (This too might better fit under Justice criminal matters policy area)
Directive on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. (April 2004)	Reduce organised crime participation in illegal migration and human trafficking Facilitate victims giving evidence against suspected criminals	Implementation of Directive	Application of rules and provisions contained in Directive *Measured by* Instances of residence permits issued *(Source: MS)*	More victims testifying against suspected criminals Successful prosecution of suspected criminals *(Source: MS)*	Reduced organised crime participation in illegal migration and human trafficking *Measured by*: Perceptions of migration and law enforcement agencies.	This instrument is relevant to borders policy area. (It does not fit easily in this sub category.)

Policy sub area 2: Cooperation and exchange of information to enforce the law.
(The architecture of the instruments in this sub policy area is such that the instruments should be reinforcing. Capturing these synergies in evaluation work would be of value)
Objectives: To increase cooperation between police and customs authorities of MS To increase cooperation of MS police and customs authorities with Europol To develop and improve use of 'intelligence led law enforcement' and Joint Investigation Teams To encourage exchange of experiences on best practice on investigative techniques To improve the quality of Member States law enforcement data with the assistance of Europol
Policy sub-area level indicators: Number of formal joint investigations Number of informal joint investigations Number of successful prosecutions resulting from joint investigations (formal and informal) Number of successful prosecutions resulting from the adoption of best practice investigative techniques Extent of mutual confidence: proportion of officials in national administrations/law enforcement authorities who have confidence in other MS systems (measured by surveys of national authorities) Periods of time (person days) on (trans-national) exchanges of staff *Source: MS*

Main instrument	Objectives	Implementation at national level	Indicators/evaluation questions			Specific issues /comments
			Immediate results	Outcomes	Impacts	
Schengen Information System (SIS) II	Sharing of information among MS in order to refuse entry on the basis of uniform practices	Consistent input and further use of information among MS	Quality and a Availability of SIS II information for competent national authorities *Measured by:* Number of records per category *(Source: MS and Commission)*	Success in using SIS information. *Measured by:* Number of correctly identified persons who should be refused entry and wanted goods discovered *(Source: MS)*	Reduced permeability of the external border. Increased confidence to promote 'free movement' policies.	Clear intervention logic. Evaluation methods – analysis of trends and process changes. Commission responsible for evaluation co-ordination and analysis, MS for information analysis. Most of the analysis will depend upon information from MS. Evaluation will be very difficult.
Common position on the	To prevent and combat serious	Exchange of data with Interpol	Number of data records forwarded to	Enhanced cooperation	Decreased illicit	

exchange of data with Interpol on passports	and organised crime including terrorism through improved cooperation between MS' law enforcement authorities and between them and such authorities in third Countries by exchanging passport data with Interpol	through database on stolen travel documents	Interpol	between law enforcement authorities	activities	
Task Force of Police Chiefs	Create conditions for cooperation	Participation of police chiefs (or alternates)	Cooperation activities. *Measured by*: Meetings held Informal contacts Formal cooperation agreements *(Source: MS)*	Mutual cooperation *Measured by*: Instances of cooperation Perceptions of participants *(Source: MS)*	Sustained cooperation *Measured by*: Instances of cooperation arising indirectly and at lower levels. Decrease in criminal	By its nature a difficult instrument to evaluate in its own right.

					activities *Measured by:* Number of arrests, prosecutions, and convictions	
Europol	Promote cooperation between MS law enforcement agencies	Provision of information, application and use of information received from Europol or via bilateral cooperation initiated by Europol	Cooperation activities *Measured by* Strategic analyses undertaken, Instances of exchange of intelligence. Use of formal joint investigation teams Use of informal joint investigation teams Number of investigations informed. *(Source: Europol*	Better law enforcement *Measured by*: Trials resulting from exchanges of intelligence and cooperation. Successful prosecutions resulting from exchanges of intelligence and cooperation. *(Source: MS and Europol)*	Reduced 'cross border' crime Reduced crime *(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)*	Evaluation needs to acknowledge the real constraints on multilateral police cooperation (issues of confidentiality and credit for solving cases) and the potentially weak links between police cooperation and reductions in crime. Evaluation work has included peer reviews

			and perceptions of participating MS and law enforcement agencies).			
CEPOL	Improve likelihood of (transnational) cooperation. Improve competences of trainees.	Commitment to EU level training	EU level Training activities *Measured by:* Number of police officers trained Number of courses offered *(Source: CEPOL, including potential follow up survey of trainees.)*	Improved cooperation *Measured by*: Resulting instances of cooperation between individual officers. Resulting instances of cooperation between agencies Resulting improved investigations. Resulting detentions and prosecutions *(Sources: MS Law enforcement agency records, judicial records)*	Increased competence in cross border level practice Reduced 'cross border' crime Reduced crime *(Sources: UN crime justice and crime trends surveys, European sourcebook of criminal justice statistics, UK Home Office international criminal justice statistics)*	Identifying causal links with impacts will be especially difficult. An report on the operation and future of CEPOL was published in January 2006.

Framework programme on police and judicial cooperation in criminal matters (AGIS)	Help legal practitioners, law enforcement officials and representatives of victim assistance services from the EU Member States and Candidate Countries set up Europe-wide networks, exchange information and best practices. Encourage Member States to step-up co-operation with the applicant countries and other third countries	Commitments to AGIS projects Participation	*Number of activities promoting training and expert mobility* *Number of dissemination activities* *Number of conferences and seminars* *Number of studies, research and evaluations* *(Source: Commission)*	Development of instruments, strategies and activities for cooperation Development of methods, techniques and instruments for operational and training use Exchange and dissemination of information, experience and best practices *Source: Commission)*	Improved operational procedures and approaches Better operational cooperation Cross-border use of good practices Mutual understanding of respective police, legal and administrative systems Common perception of criminality	Transnational cooperation activities normally require qualitative approaches to evaluation taking account of varying contexts.

Policy sub area 3: Crime Prevention

Objectives:

To reduce instances of (cross border organised) crime

To establish European instruments for collecting, analysing and comparing information on crime and victimisation.

To provide better information on trends in crime in Member States

Policy sub-area level indicators:

Numbers of successful prosecutions of cross border organised crime

The frequency with which EU level statistics are collected (benchmark: annually)

The level of reliability of data (for example, number of definition changes), also indicated by the levels of confidence in data by key actors (*source: regular surveys*)

Consistency of data between Members States (for example, numbers of definition variations), indicated the levels of confidence in data by key actors (*source: regular surveys*)

Source: Commission, MS

Main instrument	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Forum on organised crime prevention	Better exchange of information Creation of a	Active participation from MS	Coordination and cooperation of activities	Better and increased information base Better legal and	Reduced crime	Difficult to measure causal links

	Platform of expertise		*Measured by*: Meetings and seminars held Studies undertaken etc. *(Source: Commission)*	other instruments *Measured by:* Application and dissemination of information and best practices exchanged *(Source: MS)*		
European crime prevention network	Provide expertise and knowledge in developing effective crime prevention measures	Active participation from MS	Network Activities *Measured by* Meetings, Exchange of information Identification and propagation of good practice. Copies/hits on good practice and recommendations. (Source: Commission)	Application of Network Knowledge *Measured by*: Uptake of recommendations Improved policy making processes *(Source: MS via Consultations)*	Improved policies and practices with respect to crime prevention Reduced crime	Difficult to measure causal links
EU action plan	Provide better	Active	Availability of	Application of	Better informed	Difficult to

on EU statistics on crime and criminal justice	information base on EU crime trends, levels and on victimisation as well as on criminal justice.	participation from MS	information on crime and criminal justice covering EU *Measured by:* Availability, coverage and comparability o data. *(Source: Commission)*	improved information *Measured by*: Dissemination of information to EU and MS policy makers Citation of statistics in policy documents *(Source: Commission and MS)*	policy making at EU level. Better informed policy making at MS level.	measure causal links Statistical information is not available Instrument underpins evaluation of other instruments as it should improve statistics available at the EU level
Action plan on public-private partnerships	Establish public-private partnerships at EU level to tackle multinational organised crime and terrorism	Active participation from MS	Implementation of Action plan Creation of a EU level Platform for public-private partnership against organised crime and terrorism *Measured by* Reports from old and new partnership structures to the	Increased co-operation between public and private sector *Measured by:* Number of co-operation activities *Source: Commission: Follow up studies of specific partnerships)*	Reduced level of damage from organised crime and terrorism	Process evaluation could be appropriate

			platform Effective participation in the work of the Platform and new partnerships Composition of partnerships established *(Source: Commission)*			
Policy sub area 4: Management of crises[13] with cross border effects						
Objectives: Reduce detrimental cross border impacts of crises						

[13] With particular regard to preparedness and response to terrorist attacks.

Policy sub-area level indicators: Number of cross border crises reported in press/media Number of cross border crises involving EU crisis management						
Main instrument	**Objectives**	**Implementation at national level**	**Indicators/evaluation questions**			**Specific issues /comments**
			Immediate results	**Outcomes**	**Impacts**	
Setting up of integrated and co-ordinated EU crisis-management arrangements in the Commission and the Council	Increase the level of preparedness to tackle cross-border crises within the EU	Active participation from MS in the structures to be established	Establishment of integrated and co-ordinated structures at the EU level *Measured by:* Assessments of MS capacities Training and joint exercises conducted Operational plans established *(Source: MS administrative records)*	Increased level of preparedness for cross border crises *Measured by:* Actual responses to crises Results of 'Exercises' undertaken. *(Source: MS Potential stakeholder surveys)*	Reduced impacts of such crises	There are likely to be particular difficulties in establishing the counter factual with respect to this instrument. Impacts may only be assessed sometime following emergencies. Some scope for peer review

ANNEX 2

Current practice for monitoring and evaluating EU policies on freedom, security and justice

1. MONITORING

1.1. The Tampere scoreboard

The Tampere European Council in 1999 invited the Commission to compile a **scoreboard** to keep implementation of policies on freedom, security and justice under continuous review. The scoreboard would specifically keep track of progress made with implementation of the measures and compliance with the deadlines set in the Amsterdam Treaty, the Vienna Action Plan and the Tampere programme. In response, the Commission produced its first scoreboard in March 2000, followed by regular updates every six months taking into account the objectives set by the European Councils in Laeken (2001), Seville (2002) and Thessaloniki (June 2003). The last Tampere scoreboard was presented in June 2004, marking the end of the first five-year period (1999-2004).

The scoreboards indicated the objectives and deadlines set at Tampere and in each case the responsibilities assigned to launch, advance and complete the process. To provide a clear view of the progress made in each area, the scoreboard showed the outstanding proposals and initiatives presented, progress in Council and European Parliament proceedings and the work planned. A specific section of the scoreboard focused on transposition of the instruments adopted.

1.2. Reviewing implementation of EU legislation

1.2.1. Instruments adopted under the EC Treaty

Implementation by the Member States of Community legislation concerning free movement of persons, visas, asylum, immigration, judicial cooperation in civil matters and citizens' rights adopted under the European Community Treaty is monitored by the Commission. If a Member State fails to comply with its legislative obligations, the Commission can then initiate infringement proceedings under Article 226 of the EC Treaty and may bring the matter before the Court of Justice.

Apart from normal application of the monitoring mechanism under Articles 226 of the EC Treaty, monitoring implementation of the instruments adopted under Title IV of the EC Treaty is not systematic, although it is usual practice. For example, none of the four directives adopted on illegal migration provides for a monitoring report by the Commission.

Some reports, such as the evaluation of the derogation for issuing visas to members of the Olympic family[14], go beyond mere analysis of implementation and contain information on

[14] Report on the functioning of the derogation system introduced by Regulation 1295/2003 regarding measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (SEC(2005) 1051). This report was written by the Commission on the basis of information provided by the Greek authorities.

results. There are other examples concerning instruments adopted under Title II of the Treaty, such as reports[15] relating to free movement of Union citizens or reports[16] on their electoral rights in municipal and European Parliament elections.

1.2.2. Instruments adopted under Title VI of the Treaty on European Union

In the case of instruments adopted under Title VI of the EU Treaty concerning police and judicial cooperation in criminal matters, there is **no equivalent compliance mechanism** allowing the Commission to exercise its institutional powers as guardian of the Treaties.

For all Framework Decisions adopted by the Council, it is compulsory for Member States to transmit a detailed set of national implementing measures to the Commission and to the Council. Based on this information, the Commission then issues a report (e.g. 2002 Framework Decision on combating terrorism[17]). allowing the Council to debate the need for further measures in the field concerned. The Council generally expresses its position in a final report.

For some Framework Decisions, the Commission repeats or updates its monitoring exercise (e.g. "Victims" Framework Decision[18]).

Similarly, the Commission systematically monitors common positions and issues a monitoring report on national implementing measures. The Commission has also taken the initiative to issue specific reports on certain Council Decisions imposing no monitoring obligation such as those relating to Eurojust[19]

This monitoring exercise deals only with the **legal transposition** aspect and rarely includes details on the **practical implementation of instruments**. Such assessments of legal transposition answer the following questions: are the implementing measures effective, correct and in line with the Framework Decision? Are they clear and do they provide legal certainty? Do they fully apply the instrument and comply with the time limit for transposition?

In some cases this exercise has been backed up by an initial assessment of practical implementation in the Member States and of the tangible results of the national legislation. For example, in the case of the Framework Decision on the European Arrest Warrant[20], some

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15 Reports from the Commission to the Council and the European Parliament on the implementation of Directives 90/364, 90/365 and 93/96 (Right of residence), COM(1999) 127 final and COM(2003) 101 final.

16 Reports on the application of Directive 93/109/EC: Right of EU citizens residing in a Member State of which they are not nationals to vote in European Parliament elections, COM(97) 731 final and COM(2000) 843, or Report from the Commission to the European Parliament and the Council on the application of Directive 94/80/EC on the right to vote and to stand as a candidate in municipal elections, COM(2002) 260 final.

17 Report from the Commission based on Article 11 of the Council Framework Decision of 13 June 2002 on combating terrorism, COM(2004) 409 final, 8.6.2004.

18 Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings.

19 Report from the Commission on the legal transposition of the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, COM(2004) 457 final, 6.7.2004.

20 Report from the Commission based on Article 34 of the Council Framework Decision of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States (COM(2005) 63 final), p.2, paragraph 2: *"The evaluation criteria adopted by the Commission for this report are, firstly,*

of the practical results of the implementing measures were included in the monitoring report, such as the question of effectiveness and rapidity of surrender. The Commission's report also included some preliminary figures, such as the number of warrants issued or the average time taken to execute a warrant, which mainly illustrated the difficulty of obtaining adequate statistics in this field.

1.3. Information-gathering mechanisms on policy implementation

1.3.1. Existing mechanisms

Following the call by the 2001 Laeken European Council to set up an enhanced exchange of information in the field of immigration and asylum, the Commission launched an information and consultation procedure with a **"Committee on Immigration and Asylum"** (CIA) at its heart. The CIA is made up of experts from the Member States but also frequently provides a forum for representatives of civil society, such as European social partners and the UNHCR, to present their views on pertinent immigration and asylum issues.

In the field of integration, the "**National Contact Points on Integration**" (NCP) play an important role in monitoring progress across policy fields and in ensuring that integration efforts at national and EU level support each other. They convey key results to the CIA.

A **European Migration Network** (EMN) was set up in 2002 as a preparatory measure in response to the need to improve exchanges of information on all aspects of migration and asylum. Its primary objective is to provide the Community and the Member States with objective, reliable and comparable information in these fields by systematically collecting and storing existing data and information from Member States and carrying out national and European level analysis. At present, the EMN consists of national contact points designated by the Member States.

1.3.2. Mechanisms in preparation

In the field of asylum, a Communication[21] on strengthened practical cooperation proposed bringing into operation a **system for sharing expertise**, resources and knowledge between key stakeholders, as a tool for strengthening common approaches to implementation of the first-stage legislative instruments of the European asylum system, building - amongst others - on existing mechanisms, such as the EURASIL group.

In September 2005 the Commission tabled a proposal for a **Regulation on Community statistics on migration and international protection**. The Regulation will improve statistical knowledge of migration-related phenomena by specifying the data to be collected, the timetables to be applied, the definitions and the quality standards.

In October 2005 the Commission tabled a proposal for a Council Decision on the establishment of a **mutual information procedure on national measures** taken in the areas of asylum and immigration which could affect other Member States. The proposal is based on

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the general criteria normally used nowadays to evaluate the implementation of framework decisions (practical effectiveness, clarity and legal certainty, full application and compliance with the time limit for transposal), and, secondly, criteria specific to the arrest warrant, principally the fact that it is a judicial instrument, its effectiveness and its rapidity."

21 COM(2006) 67 final.

the recognition that the absence of border checks in the Schengen area and the gradual development of common EU immigration and asylum policies require timely exchanges of information and discussion of national measures taken on asylum and immigration.

1.4. Monitoring implementation of The Hague Programme

The Hague Multi-Annual Programme (2005-2009) and the Action Plan implementing it invited the Commission to present an **annual report on implementation** of these two instruments to the Council (the "Scoreboard plus").

The "Scoreboard plus" will aim predominantly at assessing proper and adequate transposition of the legislative acts adopted and effective implementation of the measures agreed. In concrete terms, "Scoreboard plus" will assess the outcome of both (a) the **significant political progress** achieved at the point of adoption at EU level and (b) **implementation at national level of measures** related to freedom, security and justice.

This structure will bring visibility to monitoring and provide a comprehensive overview of implementation of the Action Plan, meeting the requirements of the European Council in The Hague Programme. It will increase transparency and visibility and improve and facilitate implementation. The **first "Scoreboard plus"** is presented **in parallel** to this Communication, one year after adoption of the Action Plan implementing The Hague Programme.

2. EVALUATION

This section briefly describes the state of play with evaluation in the field of freedom, security and justice, depending on the subject-matter: (1) **programmes,** (2) **legislation** or (3) **policies**[22]**.** Evaluations on freedom, security and justice mainly focus on **individual policy instruments**, be they legislative or financial. As in other areas, evaluation of policies (defined as a coherent set of instruments serving the same coherent objective) is **still developing**. As a consequence, evaluation activities are currently very diverse (internal or external evaluations, annual progress reports, peer reviews, etc.) and very different in scope. This results in a **lack of comparable evaluation** results across policies and of a true overview of the results achieved in establishing an Area of Freedom, Security and Justice.

The evaluation mechanism put forward in this Communication aims at tackling this issue. It provides a **platform** for exhaustive presentation and comparability of existing evaluation results, and identification of any information gaps. Whilst taking into account the fact that evaluation is more advanced for some activities than others, it will allow the establishment of a **common set of minimum evaluation requirements** across the different policies.

2.1. Evaluation of Community programmes

Evaluation of **programmes** is **well developed** within the Commission, including in the area of freedom, security and justice, where major programmes such as the European Refugee

[22] Evaluations of agencies and external bodies have not been included, for example the evaluation of the draft Council Decision transforming the European Police College (CEPOL) into an EU body, the evaluation of the European Monitoring Centre for Drugs and Drug Addiction and the evaluation of the functioning of the European Judicial Network (EJN) in civil and commercial matters.

Fund, AGIS and DAPHNE are regularly evaluated[23]. Available evaluation results demonstrate that whilst the immediate results of funding programmes are easily identified and measured, their longer-term effects are sometimes more difficult to grasp. In this context, the Commission proposals for the 2007-2013 programmes on freedom, security and justice establish a better link between the programmes' specific objectives and the overall political objectives. This will have an impact on the evaluation framework for these programmes, in particular through assessment of their consistency with other instruments (legislative or other) in the same field.

2.2. Evaluation of legislation

Contrary to the evaluation of programmes, evaluation of **legislation** is a **more recent** development in the case of freedom, security and justice. Recent examples include the evaluation of the European Arrest Warrant[24] (2005), the economic evaluation of the Data Protection Directive[25] (2005) and the on-going evaluations of the Directive on minimum standards for the reception of asylum-seekers[26] and of the Brussels I Regulation[27]. Also, the introduction of impact assessments of EU legislation has led to systematic *ex-ante* appraisal, which should greatly facilitate further interim and/or *ex-post* evaluation. In this context, systematic scrutiny of legislative proposals and other draft instruments to ensure that they are compatible with the Charter of Fundamental Rights should serve the same purpose[28].

2.3. Evaluation of policies

2.3.1. Mechanism for Schengen evaluation

The Schengen evaluation system, first established in the intergovernmental Schengen framework and then integrated into the European Union framework[29], assesses correct implementation of the Schengen *acquis* by participating Member States through a peer review mechanism, including visits to Member States. It has issued restricted reports, given details of cases of non-compliance with existing rules and practices and made further recommendations. This mechanism applies to both Community and third pillar measures.

When internal border controls with and between new EU Member States are lifted, the Commission will submit a "*proposal to supplement the existing Schengen evaluation mechanism with a supervisory mechanism*", as requested by The Hague Programme.

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23 The results of these evaluations are available online at: http://europa.eu.int/comm/dgs/justice_home/evaluation/dg_coordination_evaluation_annexe_en.htm.

24 Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States.

25 Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

26 Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers.

27 Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

28 SEC(2001) 380/3, COM(2005) 172.

29 Decision 26 DEF 1998 of the Schengen Executive Committee.

2.3.2. Mechanism for the fight against organised crime

Joint Action 97/827/JHA, adopted by the Council on 5 December 1997, established a mechanism for evaluating the application and implementation at national level of international undertakings in the **fight against organised crime**[30]. Two rounds of evaluation have already been completed and two others are ongoing. The first round focused on mutual legal assistance in criminal matters, on which a report was subsequently released on 1 August 2001[31]. The second assessed instruments dealing with law enforcement and drug trafficking. Finally, the third and fourth rounds, not yet completed, are evaluating exchanges of information and intelligence between the Member States and Europol and the European Arrest Warrant respectively. The 1997 mechanism is operated by teams of experts designated by Member States, assisted by the General-Secretariat of the Council, with the involvement of the Commission. It is based on **study visits** and allows an in-depth examination of how instruments or policies are working in practice.

The Commission believes that although this mechanism has proved **useful and effective**, it nevertheless has some **shortcomings**, in particular the total duration of the process, the scope limited to only matters related to organised crime and the limited dissemination of the evaluation results.

2.3.3. Mechanism for the fight against terrorism[32]

Following the conclusions of the extraordinary meeting of the Justice and Home Affairs Council on 20 September 2001, the Council set up a procedure for peer assessment of national anti-terrorist arrangements in the framework of international cooperation between Member States. The first round of evaluations started in 2003 and focused on exchanges of information. Evaluation teams are made up of national experts and their reports are confidential.

2.3.4. Evaluation of the EU Action Plan on Drugs

In 2004 the Commission carried out the final evaluation of the EU Drugs Strategy and Action Plan on Drugs for 2000-2004[33], in cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol. The evaluation exercise provided an **overview of the drugs situation in the European Union** over the reference period. The Strategy and the Action Plan included a wide range of drug-related measures, mainly within the competence of the Member States. Their impact on the drug situation in the European Union could not be considered, mainly because the EU Strategy and Action Plan failed to establish impact indicators.

The EU Action Plan on Drugs for 2005-2008 takes into account the evaluation of the preceding Action Plan and has been designed from the outset to facilitate full evaluation. Accordingly, it clearly allocates responsibilities for each action and includes specific assessment tools, indicators and schedules for implementation. The Action Plan provides for

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30 For further information see: http://europa.eu.int/scadplus/leg/en/lvb/l33053.htm.

31 Final report on the first evaluation exercise - mutual legal assistance in criminal matters (2001/C 216/02).

32 Council Decision 2002/996/JHA of 28 November 2002 establishing a mechanism for evaluating the legal systems and their implementation at national level in the fight against terrorism.

33 COM(2004) 707.

the Commission to present annual reviews of implementation of the Plan plus a final evaluation in 2008, with a view to preparing the next Plan. The **first annual progress** review will be presented in **autumn 2006.**

2.3.5. Mechanism for evaluating respect of fundamental rights

The **European Monitoring Centre on Racism and Xenophobia** studies the extent and development of the phenomena of racism, xenophobia and anti-Semitism and analyses their consequences and effects. Its findings are presented in annual reports. Once established, the Agency on Fundamental Rights, with its wider mandate, is expected to play a key role in evaluating respect of fundamental rights.

The **network of fundamental rights experts** was created by the European Commission in 2002 in response to a recommendation in the European Parliament's report[34] on the state of fundamental rights in the European Union. The network assesses the fundamental rights situation through an annual report, on the basis of an **analysis of the legislation, the case-law and the administrative practice** of the national authorities of the Member States and in the institutions of the Union. The reference points for the evaluation are the rights set out in the European Union's Charter of Fundamental Rights. The results are published annually (so far, in 2003, 2004 and 2005).

[34] 2000/2231(INI).

ANNEX 3

Glossary

Activity: A coherent area of action with objectives and resources. In other words, "Activities" consist of well-defined and delimited measures to which inputs are allocated and converted into outputs.

The policy for the development of an Area of Freedom, Security and Justice has been divided into different Activity-Based Management (ABB) activities such as:

– Activity 1802 “External borders, visa policy and free movement of persons”,

– Activity 1803 “Common immigration and asylum policies”,

– Activity 1804 “Citizenship and fundamental rights”,

– Activity 1805 “Law enforcement cooperation and prevention of and fight against general organised crime”,

– Activity 1806 “Establishing a genuine European area of justice in criminal and civil matters”,

– Activity 1807 “Coordination in the field of drugs”.

Evaluation: “Judgement of interventions according to their results, impacts and the needs they aim to satisfy”[35]. It is a process undertaken by the Commission in order to identify what can be learned for policy and planning.

***Ex ante/ex post* evaluation**

Ex ante evaluation: Evaluation performed before implementation of a measure. For the purposes of the Commission, *ex ante* evaluation is defined as a process that supports the preparation of proposals for new or renewed Community activities. Its purpose is to gather information and carry out analyses that help to define objectives and to ensure that these objectives can be met, that the instruments used are cost-effective and that reliable subsequent evaluation will be possible.

Intermediate (or mid-term) evaluation: Evaluation performed during implementation of a measure. If the evaluation extends throughout the period of implementation, this is also called "on-going evaluation". This type of evaluation critically appraises the first outputs and results, in order to assess the quality of monitoring and implementation of the measure. The main focus is to help to prepare adjustments and reprogramming and to provide input for the preliminary deliberations on the future of the measures.

Ex post evaluation: Evaluation conducted either on or after completion of a measure. The main interest is overall assessment of the measure, in particular by analysing the impact

[35] Communication on Evaluation (SEC(2000) 1051): http://europa.eu.int/comm/budget/evaluation/keydocuments_en.htm.

achieved and examining its efficiency. The objective is to understand the reasons for success or failure and the sustainability of the results and impact. It also tries to draw conclusions that can be applied generally to other measures.

Impact: A general term used to describe the effects of a measure on society. Impact can be either positive or negative and foreseen or unforeseen. Initial effects are called outcomes/results, whilst impact is usually longer-term.

Impact assessment: Impact assessment is about examining the likely economic, social and environmental impact of the Commission's proposals. It identifies and assesses the issue at stake and the objectives pursued. It identifies the main options for achieving the objectives and analyses their likely impact. It outlines the advantages and disadvantages of each option as well as synergies and trade-offs.

Indicators: A characteristic or attribute which can be measured to assess an activity in terms of its outputs or impacts. Output indicators are normally straightforward. Impact indicators may be more difficult to obtain, and it is often appropriate to rely on indirect indicators as proxies. Indicators can be either quantitative or qualitative.

Monitoring: A continuous process of examining delivery in terms of adoption and implementation of different measures, especially legislation. It is not to be confused with programme monitoring, which consists of examining the delivery of programme outputs to the intended beneficiaries. Evaluation, on the other hand, is carried out at a discrete point in time, and consists of an in-depth study. Monitoring generates data which can be used in evaluations.

Outcomes/results: The intermediate effects of a measure.

Policy: A set of activities, which may differ in type (programmes, measures, procedures, laws or rules) and beneficiaries or target groups, directed towards common general objectives or goals. Unlike projects and programmes, a policy is not usually delimited in terms of time or budget.

Policy area: Within the EU the concept *policy* may designate various scope and levels of complexity, ranging from an overall Commission strategy or objective over a policy area to an ABB-activity. In this context, a policy will normally embrace a range of instruments At Commission level, the ABB-activities (215 altogether) have been grouped into some 30 policy areas, closely identifiable with Directorates-General. This Communication deals with policy area 18: Freedom, security and justice.

Policy instruments: A set of techniques by which public authorities attempt to ensure support and to effect or prevent social change. In this sense, there is a strong emphasis on the dynamic evolving nature of policies, with individual policy instruments being added, withdrawn or redesigned over time. The variety of available policy instruments includes, for example, legislation such as regulations or directives and may involve resource commitments, for example in the form of operational programmes; they also include Communications, action plans, etc. However, policy instruments differ significantly in the way in which they bring about results and impacts and the timescales over which these can be expected.

Programme: A set of organised but often varied actions (a programme may encompass several different projects, measures and processes) directed towards achieving specific objectives, often with a definite time schedule and budget.