

Brussels, 28 June 2006

## **Communication "evaluation of EU policies on freedom, security and justice"**

### **Rationale for the Communication**

The Commission considers that the time has come to establish a coherent and comprehensive evaluation mechanism at EU level of all Justice, Freedom and Security policies for three reasons:

- The Hague Programme indicates that "evaluation of the implementation as well as of the effects of all measures is, in the European Council's opinion, essential to the effectiveness of Union action". The Action Plan implementing The Hague Programme gives mandate to the Commission to set out constitutive elements for the development of an evaluation mechanism at EU level. One of the aims is to further improve the way policies, programmes and instruments are designed, by identifying problems and obstacles encountered when implementing them. Further evaluation can foster learning and exchange of good practice, as well as greater accountability.
- Existing monitoring and evaluation mechanisms in the Freedom, Security and Justice area are very fragmented. The proposed mechanism would give stakeholders and decision makers a more comprehensive and operational view of the achievements and the means to progress. With regards to timing, the proposed mechanism will also provide relevant information e.g. for considering the appropriate follow-up to The Hague Programme when it expires in 2009.
- There is a need for extensive information to be transmitted to all the stakeholders - including the European citizens - on the implementation and results of the policies. This will increase the political and financial accountability and scrutiny of policies.

### **Challenges to be addressed**

- Difficult political context: Freedom, security and justice is one of the European Union's most diverse policy areas. The objectives to be achieved encompass some of the most topical issues: free movement of persons, terrorism and organised crime, police and judicial cooperation, asylum and migration policy, all of this while respecting fundamental rights and promoting the rights of Union citizens. Often national sovereignty considerations necessitate compromises at EU level or make implementation difficult. This is further complicated by a sometimes confusing legal framework, and a mix of decision-making and compliance procedures.

- Different stages of policy development: As a result of the specific role of the Commission and the decision-making process in the justice and home affairs field, the various policies often require different time frames before they can become fully operational. Sufficient flexibility must be ensured to adjust to this diversity and the focus of the mechanism should be on immediate results rather than longer term impacts.
- Wide range of stakeholders to consult and associate to the mechanism: Besides EU institutions and the Member States, a broad set of stakeholders needs to be consulted and associated to the setting up of an evaluation mechanism in the JLS area. This includes civil society, with the non-profit sector but also the industry being relevant partners (namely through public-private partnerships); EU agencies such as the European Union Agency for Fundamental Rights, the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Europol, Eurojust or the European Agency for the Management of Operational Cooperation at the External Borders; national Parliaments; etc. Transparent consultation mechanisms will be set-up, which can also be used to gather and cross-check relevant information.
- Availability of statistics and of the necessary analytical capacity is a key component in the development of an evaluation system. Indeed, statistics will be required as baseline data to assess whether existing needs are being addressed and, ultimately, to be able to draw conclusions about the impact of policies. Improvements should be made in three areas: quality, availability and analysis, in parallel with setting up the proposed evaluation system

### **Content of the Communication**

The Communication proposes the establishment of a JLS strategic evaluation mechanism in three phases:

- First, it foresees the establishment of a system of information gathering and sharing. For each area, it would determine the policy objectives and the main instruments. **A set of indicators** has been developed and will be refined in the coming semester.
- Second, it would include a **reporting mechanism**, consolidating and analysing in an "evaluation report" the information provided. This report would be prepared by the Commission in a spirit of partnership with Member States and the EU institutions.
- Third, **targeted evaluations** of particular policy areas or instruments, where necessary, would complete the mechanism.

The proposed mechanism will be implemented by the Commission and the Council in full compliance with their institutional prerogatives and in close association with the European Parliament.

### **Features of the proposed mechanism**

- **Comprehensiveness:** The mechanism will be comprehensive and will encompass all the policies in the area of Freedom, Security and Justice (i.e. Community policies and Third-Pillar cooperation areas).
- **Limited administrative burden:** Such a mechanism would build on current practices and use information resulting from the application of existing evaluation requirements (e.g. in the case of funding programmes). Also, in other areas where information is already available, a particular attention will be paid to make use of existing data and avoiding duplication of work. The evaluation exercise will be carried out twice every five years, limiting further the administrative burden.

- Progressive implementation: Following the adoption of the Communication, it is of utmost importance to trigger a broad discussion and debate on the evaluation mechanism. To this end, a wide ranging consultation process will take place, and will feed the first evaluation exercise at the end of 2007. As a start of that process, a conference will be organised on 26 to 27 October 2006 to communicate on and support the development of the evaluation mechanism. Another aim of this conference would be to involve stakeholders in Member States, including civil society, in the process.

Such an evaluation mechanism will aim at making the action taken by the Union more effective by allowing results on the ground to feedback into policy-making. Developing evaluation of JLS policies will also contribute to the general EU objectives of transparency and better regulation.