

Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

##### **Subject matter**

The multiannual action programme to promote activities against fraud, corruption and any other illegal activities affecting the financial interests of the Union ‘Hercule III’ (‘the Programme’) is hereby established for the period from 1 January 2014 to 31 December 2020.

#### *Article 2*

##### **Added value**

The Programme shall contribute to all of the following:

- (a) the development of activities at Union level and the Member States to counter fraud, corruption and any other illegal activities affecting the financial interests of the Union, including the fight against cigarette smuggling and counterfeiting;
- (b) increased transnational cooperation and coordination at Union level, between Member States’ authorities, the Commission and the European Anti-Fraud Office (OLAF), and in particular with regard to the effectiveness and efficiency of cross-border operations;
- (c) the effective prevention of fraud, corruption and any other illegal activities affecting the financial interests of the Union, by offering joint specialised training for staff of national and regional administrations, and for other stakeholders.

The Programme in particular shall create savings deriving from the collective procurement of specialised equipment and databases to be used by the stakeholders and those derived from specialised training.

#### *Article 3*

##### **General objective**

The general objective of the Programme shall be to protect the financial interests of the Union thus enhancing the competitiveness of the Union’s economy and ensuring the protection of the taxpayers’ money.

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#### Article 4

##### **Specific objective**

The specific objective of the Programme shall be to prevent and combat fraud, corruption and any other illegal activities affecting the financial interests of the Union.

The specific objective shall be measured referring, inter alia, to target levels and baselines and through all of the following key performance indicators:

- (a) the number of seizures, confiscations and recoveries following fraud cases detected by joint actions and cross-border operations;
- (b) the added value and effective use of the co-financed technical equipment;
- (c) the exchange of information among Member States on the results achieved with the technical material;
- (d) the number and type of training activities, including the amount of specialised training.

#### Article 5

##### **Operational objectives**

The operational objectives of the Programme shall be all of the following:

- (a) to improve the prevention and investigation of fraud and other illegal activities beyond current levels by enhancing transnational and multi-disciplinary cooperation;
- (b) to increase the protection of the financial interests of the Union against fraud by facilitating the exchange of information, experiences and best practices, including staff exchanges;
- (c) to strengthen the fight against fraud and other illegal activities by providing technical and operational support to national investigation, and in particular customs and law enforcement, authorities;
- (d) to limit the currently known exposure of the financial interests of the Union to fraud, corruption and other illegal activities with a view to reducing the development of an illegal economy in key risk areas such as organised fraud, including cigarette smuggling and counterfeiting;
- (e) to enhance the degree of development of the specific legal and judicial protection of the financial interests of the Union against fraud by promoting comparative law analysis.

#### Article 6

##### **Bodies eligible for funding**

Each of the following bodies shall be eligible for funding under the Programme:

- (a) national or regional administrations of a participating country, as referred to in Article 7(1), which promote the strengthening of action at Union level to protect the financial interests of the Union;

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- (b) research and educational institutes and non-profit-making entities provided that they have been established and have been operating for at least one year, in a participating country, as referred to in Article 7(1), and promote the strengthening of action at Union level to protect the financial interests of the Union.

### *Article 7*

#### **Participation in the Programme**

1 Participating countries shall be the Member States and the countries referred to in paragraph 2 ('participating countries').

2 The Programme shall be open to the participation of any of the following countries:

- a acceding States, candidate countries and potential candidates benefiting from a pre-accession strategy, in accordance with the general principles and general terms and conditions for the participation of those States and countries in Union programmes established in the respective framework agreements, Association Council decisions or similar agreements;
- b partner countries under the European Neighbourhood Policy provided that these countries have reached a sufficient level of alignment of the relevant legislation and administrative methods with those of the Union. The partner countries concerned shall participate in the Programme in accordance with provisions to be determined with those countries following the establishment of framework agreements concerning their participation in Union programmes;
- c the countries of the European Free Trade Association (EFTA) participating in the European Economic Area (EEA), in accordance with the conditions laid down in the Agreement on the European Economic Area.

3 Representatives of countries forming part of the stabilisation and association process for countries of South-Eastern Europe, the Russian Federation, of certain countries with which the Union has concluded an agreement for mutual assistance in fraud-related matters, and of international and other relevant organisations, may take part in activities organised under the Programme wherever this is useful for the achievement of the general and specific objectives provided for in Articles 3 and 4 respectively. Those representatives shall participate in the Programme in accordance with the relevant provisions of Regulation (EU, Euratom) No 966/2012.

### *Article 8*

#### **Eligible actions**

The Programme shall provide, under the conditions set out in the annual work programmes referred to in Article 11, appropriate financial support for all of the following actions:

- (a) provision of specialised technical assistance for the competent authorities of the Member States through one or more of the following:
  - (i) providing specific knowledge, specialised and technically advanced equipment and effective information technology (IT) tools facilitating transnational cooperation and cooperation with the Commission;

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- (ii) ensuring the necessary support and facilitating investigations, in particular the setting up of joint investigation teams and cross-border operations;
  - (iii) supporting Member States' capacity to store and destroy seized cigarettes, as well as independent analytical services for the analysis of seized cigarettes;
  - (iv) enhancing staff exchanges for specific projects, in particular in the field of the fight against cigarette smuggling and counterfeiting;
  - (v) providing technical and operational support for the law enforcement authorities of the Member States in their fight against illegal cross-border activities and fraud affecting the financial interests of the Union, including in particular support for customs authorities;
  - (vi) building information technology capacity throughout participating countries by developing and providing specific databases and IT tools facilitating data access and analysis;
  - (vii) increasing data exchange, developing and providing IT tools for investigations, and monitoring intelligence work;
- (b) organisation of targeted specialised training, and risk analysis training workshops, as well as, where appropriate, conferences, aimed at one or more of the following:
- (i) further fostering better understanding of Union and national mechanisms;
  - (ii) exchanging experience and best practices between the relevant authorities in the participating countries, including specialised law enforcement services, as well as representatives of international organisations as referred to in Article 7(3);
  - (iii) coordinating the activities of participating countries, and representatives of international organisations, as referred to in Article 7(3);
  - (iv) disseminating knowledge, particularly on better identification of risk for investigative purposes;
  - (v) developing high-profile research activities, including studies;
  - (vi) improving cooperation between practitioners and academics;
  - (vii) further raising the awareness of the judiciary and other branches of the legal profession for the protection of the financial interests of the Union;
- (c) any other action not covered under point (a) or (b) of this Article, provided for in the annual work programmes referred to in Article 11, which is necessary for attaining the general, the specific and the operational objectives provided for in Articles 3, 4 and 5 respectively.

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