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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Position of the Council at first reading in a view to the adoption of a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL establishing the European Solidarity Corps Programme and  
repealing Regulations (EU) 2018/1475 and (EU) No 375/2014  
- Adopted by the Council on 20 April 2021

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**REGULATION (EU) .../...**  
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of ...

**establishing the European Solidarity Corps Programme  
and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165(4), 166(4) and 214(5) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure<sup>3</sup>,

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<sup>1</sup> OJ C 62, 15.2.2019, p. 201.

<sup>2</sup> OJ C 86, 7.3.2019, p. 282.

<sup>3</sup> Position of the European Parliament of 12 March 2019 (not yet published in the Official Journal) and position of the Council at first reading of 20 April 2021 (not yet published in the Official Journal). Position of the European Parliament of ... (not yet published in the Official Journal).

Whereas:

- (1) The Union is built on solidarity, both among its citizens and among the Member States. That universal and common value guides the actions of the Union and provides the unity necessary to cope with current and future societal challenges, which young Europeans are willing to help address by expressing their solidarity in practice. Article 2 of the Treaty on European Union (TEU) highlights solidarity as one of the principles key to the Union. The principle of solidarity is also referred to in Article 21(1) TEU as one of the foundations of the Union's external action.
- (2) Given the significant increase in global humanitarian needs and with a view to enhancing the promotion of solidarity and the visibility of humanitarian aid among Union citizens, there is a need to develop solidarity between Member States and with third countries affected by man-made or natural disasters.
- (3) Humanitarian aid volunteering actions should contribute to a needs-based humanitarian response and be guided by the European Consensus on Humanitarian Aid set out in the Joint Statement by the Council and the Representatives of the Governments of the Member States meeting with the Council, the European Parliament and the European Commission entitled 'The European Consensus on Humanitarian Aid'<sup>1</sup>. International humanitarian law and human rights law should be promoted.

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<sup>1</sup> OJ C 25, 30.1.2008, p. 1.

- (4) Where appropriate, the central and overall coordinating role of the United Nations (UN) Office for the Coordination of Humanitarian Affairs in promoting a coherent international response to humanitarian crises should be taken into account.
- (5) Humanitarian aid volunteering actions should contribute to an adequate humanitarian response that strengthens the gender perspective in Union humanitarian aid policy and promotes adequate humanitarian responses to the specific needs of women and men of all ages. Humanitarian aid volunteering actions should take into account the needs and capacities of people in the most vulnerable situations, including women and children, and people most at risk.
- (6) Humanitarian aid volunteering actions should strive to contribute to enhancing the effectiveness and efficiency of Union humanitarian aid, in line with the Good Humanitarian Donorship principles.
- (7) The State of the Union address of 14 September 2016 emphasised the need to invest in young people and announced the establishment of a European Solidarity Corps with a view to creating opportunities for young people across the Union to make a meaningful contribution to society, show solidarity and develop their skills, enabling them to obtain not only work experience but also an invaluable human experience.

- (8) In its communication of 7 December 2016 entitled ‘A European Solidarity Corps’, the Commission emphasised the need to strengthen the foundations for solidarity work across Europe, to provide young people with more and better opportunities for solidarity activities covering a broad range of areas, and to support national, regional and local actors in their efforts to cope with different challenges and crises. That communication launched a first phase of the European Solidarity Corps whereby resources under different Union programmes were mobilised to offer volunteering, traineeship or job opportunities to young people across the Union.
- (9) Within the context of this Regulation, ‘solidarity’ is understood as a sense of individual and collective responsibility for the common good, expressed through concrete action.
- (10) Contributing assistance to people and communities outside the Union that are in need of humanitarian aid, based on the fundamental principles of humanity, neutrality, impartiality and independence, is an important expression of solidarity.
- (11) There is a need to further develop solidarity with victims of crises and disasters in third countries and to raise both the awareness and the visibility of humanitarian aid, and volunteering in general, as a lifelong activity among Union citizens.
- (12) The Union and the Member States have committed to implementing the UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals thereof, both internally and through external actions.

- (13) In its conclusions of 19 May 2017 on operationalising the humanitarian-development nexus, the Council recognised the need to strengthen resilience by better linking humanitarian assistance and development cooperation and to further strengthen the operational links between the complementary approaches of humanitarian assistance, development cooperation and conflict prevention.
- (14) Young people should be provided with easily accessible and inclusive opportunities to engage in solidarity activities, which could enable them to express their commitment to benefitting communities while acquiring useful experience, knowledge, skills and competences for their personal, educational, social, civic and professional development, thereby improving their employability. Those solidarity activities should also support the mobility of young volunteers, intercultural awareness and intercultural dialogue.
- (15) The solidarity activities offered to young people should allow for concrete and beneficial contributions of young people. Solidarity activities should respond to unmet societal needs and contribute to strengthening communities and civic participation. Solidarity activities should offer young people the opportunity to acquire valuable knowledge, skills and competences. Solidarity activities should be financially accessible to young people and be carried out in safe and healthy conditions.

(16) The European Solidarity Corps Programme (the ‘Programme’) provides a single entry point for solidarity activities throughout the Union and beyond. In order to maximise the effectiveness of Union funding and the impact of the Programme, the Commission should seek to establish synergies across all relevant programmes in a coherent manner, but without such synergies leading to funds being used to pursue objectives other than those set out in this Regulation. Consistency and complementarity should be ensured with other relevant Union policies, such as the European Union Youth Strategy 2019-2027<sup>1</sup>, and other relevant Union programmes, in particular the Erasmus+ Programme, established by Regulation (EU) 2021/... of the European Parliament and of the Council<sup>2+</sup>. The Programme is built on the strengths and synergies of previous and existing programmes, in particular the European Voluntary Service, established by Regulation (EU) No 1288/2013 of the European Parliament and of the Council<sup>3</sup> and the EU Aid Volunteers initiative, established by Regulation (EU) No 375/2014 of the European Parliament and of the Council<sup>4</sup>. Complementarity with existing Union level networks pertinent to the Programme activities, such as the Eurodesk network, should also be ensured. Furthermore, complementarity between existing related schemes, in particular national solidarity schemes, such as volunteering, civic service, and mobility schemes for young people, and the Programme should be ensured, to mutually enhance and enrich the impact and qualities of such schemes and, where appropriate, to build upon good practices. The Programme should not be a substitute for similar national schemes. Equal access for all young people to national solidarity activities should be ensured.

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<sup>1</sup> OJ C 456, 18.12.2018, p. 1.

<sup>2</sup> Regulation (EU) 2021/... of the European Parliament and of the Council of ... establishing Erasmus+ the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L ..., ..., p. ...).

+ OJ: please insert in the text the number of the Regulation contained in file 2018/0191(COD) and insert the number, date, authors, name and OJ reference of that Regulation in the footnote.

<sup>3</sup> Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus+’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

<sup>4</sup> Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps (‘EU Aid Volunteers initiative’) (OJ L 122, 24.4.2014, p. 1).

- (17) In order to align its duration with that of the multiannual financial framework for the period from 1 January 2021 to 31 December 2027 (the ‘2021-2027 MFF’) laid down in Council Regulation (EU, Euratom) 2020/2093<sup>1</sup>, the Programme should be established for a period of seven years.
- (18) With respect to the interpretation of related legal acts of the Union, it is appropriate that both cross-border volunteering and volunteering that continues to be supported under Regulation (EU) No 1288/2013 be considered equivalent to volunteering undertaken under the European Voluntary Service.
- (19) The Programme is designed to open up new opportunities for young people to undertake volunteering activities in solidarity-related areas, as well as to devise and develop solidarity projects based on their own initiative. Those opportunities contribute to enhancing the personal, educational, social, civic and professional development of young people. The Programme should also support networking activities for participants and participating organisations and measures to ensure the quality of the supported activities and to enhance the validation of the learning outcomes of participants. The Programme thereby also aims to contribute to European cooperation relevant to young people and to raising awareness of its positive impact. It is appropriate that solidarity activities offered follow a clear and detailed procedure addressed to participants and participating organisations, establishing the steps of all phases of the solidarity activities.

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<sup>1</sup> Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).



- (20) Solidarity activities should present potential European added value and should benefit communities and foster participants' personal, educational, social, civic and professional development. Solidarity activities should be developed in relation to different areas, such as: education and training; youth work; employment; gender equality; entrepreneurship, and in particular social entrepreneurship; citizenship and democratic participation; intercultural awareness and intercultural dialogue; social inclusion; inclusion of people with disabilities; environment and nature protection; climate action; disaster prevention, preparedness and recovery; agriculture and rural development; the provision of food and non-food items; health and wellbeing; culture, including cultural heritage; creativity; physical education and sport; social assistance and welfare; the reception and integration of third-country nationals, taking into account the challenges faced by people with a migrant background; territorial cooperation and cohesion; and cooperation across borders. Solidarity activities should include a solid learning and training dimension through relevant activities that are offered to participants before, during and after the solidarity activity.

- (21) Volunteering, both within and beyond the Union, constitutes a rich experience in a non-formal and informal learning context and enhances young people's personal, socio-educational and professional development, active citizenship, civic participation and employability. Volunteering should not have an adverse effect on potential or existing paid employment and it should not be considered a substitute for it. The Commission and the Member States should cooperate regarding volunteering policies in the youth field via the open method of coordination.
- (22) Young people's spirit of initiative is an important asset for society and for the labour market. The Programme contributes to fostering that spirit of initiative by offering young people the opportunity to devise and implement their own solidarity projects with the aim of addressing specific challenges to the benefit of their local communities. Solidarity projects are an opportunity to try out ideas concerning, and innovative solutions to, common challenges through a bottom-up approach and they support young people to be drivers of solidarity actions themselves. Solidarity projects also serve as a springboard for further engagement in solidarity activities and are a first step towards encouraging participants to engage in self-employment and to continue to be active citizens as volunteers, trainees or employees in associations, non-governmental organisations or other bodies active in the solidarity, non-profit and youth sectors.

- (23) Participants in volunteering ('volunteers') can contribute to strengthening the Union's capacity to provide needs-based and principled humanitarian aid and can contribute to enhancing the effectiveness of the humanitarian sector provided that they are adequately selected, trained and prepared for deployment so as to ensure that they have the necessary skills and competences to help people in need in the most effective way and provided that they can count on sufficient on-site support and supervision. Therefore, highly skilled, highly trained and experienced coaches, mentors and experts play an important role in contributing to the effectiveness of the humanitarian response on the ground as well as towards supporting volunteers as part of the volunteering. Such coaches, mentors and experts can be involved in volunteering in order to guide and accompany volunteers and help to support the development and capacity-building components of the volunteering, thereby strengthening local networks and communities. Particular attention should be paid to the capacity of hosting organisations in third countries and the need to embed the volunteering within the local context and to facilitate volunteers' interaction with local humanitarian actors, the hosting community and civil society.

- (24) It is important that participants and participating organisations feel that they belong to a community of individuals and entities committed to enhancing solidarity across Europe. At the same time, participating organisations need support to strengthen their capacity to offer good quality solidarity activities to an increasing number of participants. The Programme should support networking activities that aim to strengthen the engagement of participants and of participating organisations in such a community, to foster a Programme spirit and to encourage the exchange of useful practices and experience. Networking activities should also contribute to raising awareness about the Programme among public and private actors and to facilitating the collection of feedback from participants and participating organisations on the implementation of the Programme.

- (25) Particular attention should be paid to ensuring the quality of solidarity activities and the opportunities offered under the Programme, in particular by offering online or offline training, language support and administrative support to participants before, during and after the solidarity activity in question, as well as insurance, including coverage for accidents, sickness and third-party liability. The validation of the knowledge, skills and competences acquired by participants through their experience under the Programme should be ensured. The security and safety of the participants, participating organisations and intended beneficiaries remains of paramount importance. Such security and safety should include appropriate clearance requirements for participants working with vulnerable groups in accordance with applicable national law. All solidarity activities should comply with the ‘do no harm’ principle and should be implemented with due consideration for the impact of unforeseen circumstances such as environmental crises, conflicts or pandemics. Volunteers should not be deployed in operations conducted in areas of international and non-international armed conflicts or in facilities that contravene international human rights standards.
- (26) The Programme should respect the principles set out in the 2017 EU Guidelines for the Promotion and Protection of the Rights of the Child and in Article 9 of the UN Convention on the Rights of Persons with Disabilities.

- (27) To ensure the impact of Programme activities on the personal, educational, social, cultural, civic and professional development of the participants, the knowledge, skills and competences that constitute the learning outcomes of the activity in question should be properly identified and documented. To that end, the use of effective instruments at Union and national level for the recognition of non-formal and informal learning, such as Youthpass and Europass, should be encouraged, as appropriate, in accordance with national circumstances and specificities, as recommended in the Council Recommendation of 20 December 2012<sup>1</sup>.
- (28) The Commission and the national agencies should also encourage former participants to share their experiences through youth networks, educational establishments and workshops in roles such as ambassadors or as members of a network. Former participants could also contribute to the training of participants.
- (29) A quality label should ensure that participating organisations comply with the principles and requirements of the Programme as regards their rights and responsibilities during all stages of the solidarity experience.

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<sup>1</sup> Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1).

- (30) Any entity that wishes to participate in the Programme should receive a quality label provided that it complies with appropriate conditions. The Programme implementing bodies should conduct the process that leads to the attribution of a quality label on a continuous basis. The Programme implementing bodies should periodically reassess whether entities continue to comply with the conditions that led to the attribution of their quality labels. A quality label should be revoked where it is found, in the context of the checks performed by the Programme implementing bodies, that the entity in question no longer complies with those conditions. The administrative process for the attribution of a quality label should be reduced to a minimum in order to avoid discouraging smaller organisations.
- (31) An entity that wishes to apply for funding to offer solidarity activities under the Programme should first receive a quality label. Such a precondition should not apply to natural persons seeking financial support on behalf of an informal group of participants for their solidarity projects. Obtaining a quality label, however, should not automatically lead to funding under the Programme.
- (32) As a general rule, grant applications should be submitted to the national agency of the country in which the participating organisation is based. Grant applications for activities with a Union-wide or international dimension, including solidarity activities of volunteering teams in priority areas identified at Union level and solidarity activities in support of humanitarian aid operations in third countries, may be centrally managed if appropriate.

- (33) Participating organisations may perform several functions in the framework of the Programme. In a host capacity, participating organisations should carry out activities in relation to receiving participants, including organising activities and providing guidance and support to participants during the solidarity activity, as appropriate. In a support capacity, they should carry out activities in relation to sending participants, as well to preparing participants before and guiding them during and after the solidarity activity, including training participants and guiding them to local organisations after the solidarity activity in order to increase opportunities for further solidarity experiences. The quality label should reflect the fact that specific requirements vary depending on the type of solidarity activity provided, and certify that the organisation is able to ensure the quality of solidarity activities during all stages of the solidarity experience, in accordance with the principles and objectives of the Programme. Any entity which substantially changes its activities should inform the competent Programme implementing body, which can reassess whether that entity continues to comply with the conditions that led to the attribution of the quality label.
- (34) In order to support solidarity activities among young people, participating organisations could be public or private entities or international organisations, non-profit or profit-making, and could include youth organisations, religious institutions, charity associations, secular humanistic organisations, non-governmental organisations or other actors from civil society.



- (35) The scaling-up of Programme projects should be facilitated. Specific measures should be put in place to help promoters of Programme projects to apply for grants or develop synergies through the support of the European Structural and Investment Funds and the Union programmes relating to migration, security, justice and citizenship, health and culture.
- (36) European Solidarity Corps Resource Centres should assist the Programme implementing bodies, the participating organisations and the participants in order to raise the quality of the implementation of the Programme activities and to enhance the identification and validation of competences acquired through those activities, including through Youthpass.
- (37) The European Solidarity Corps Portal should be continuously developed in order to ensure easy access to the Programme in accordance with the standards established by Directive (EU) 2016/2102 of the European Parliament and of the Council<sup>1</sup> and to provide a one-stop shop for both interested individuals and organisations as regards, *inter alia*, the registration, identification and matching of profiles and opportunities, networking and virtual exchanges, online training, language and post-activity support and other useful functions which might arise in the future.

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<sup>1</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

- (38) The European Solidarity Corps Portal should be further developed taking into account the European Interoperability Framework, set out in the communication of the Commission of 23 March 2017 entitled ‘European Interoperability Framework – Implementation Strategy’, which provides specific guidance on how to set up interoperable digital public services and is implemented in the Member States and other members of the European Economic Area through national interoperability frameworks. The European Interoperability Framework offers public administrations 47 concrete recommendations on how to improve the governance of their interoperability activities, to establish cross-organisational relationships, to streamline processes supporting end-to-end digital services and to ensure that neither existing nor new legal acts compromise interoperability efforts.
- (39) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council<sup>1</sup> (the ‘Financial Regulation’) applies to the Programme. The Financial Regulation lays down rules on the implementation of the Union budget, including rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts.

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<sup>1</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

(40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>1</sup> and Council Regulations (EC, Euratom) No 2988/95<sup>2</sup>, (Euratom, EC) No 2185/96<sup>3</sup> and (EU) 2017/1939<sup>4</sup>, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council<sup>5</sup>. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

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<sup>1</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>2</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

<sup>3</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>4</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>5</sup> Directive (EU) 2017/1371 of the European Parliament and of the Council of 5 July 2017 on the fight against fraud to the Union's financial interests by means of criminal law (OJ L 198, 28.7.2017, p. 29).

- (41) The Programme is targeted at young people aged between 18 and 30. In order to participate in the activities offered by the Programme, such young people should be required to first register in the European Solidarity Corps Portal.
- (42) In view of the specific challenges of the humanitarian action, participants volunteering in support of humanitarian aid operations should be at least 18 years of age and not older than 35 years of age.

- (43) Particular attention should be paid to ensuring that solidarity activities are accessible to all young people, and in particular young people with fewer opportunities. Special measures should be put in place to promote social inclusion, and in particular the participation of disadvantaged young people, including the provision of reasonable accommodation to enable people with disabilities to effectively participate in solidarity activities on an equal basis with others in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities and with Council Directive 2000/78/EC<sup>1</sup>. Such special measures should take into account the constraints imposed by the remoteness of a number of rural areas, of the outermost regions of the Union and of the overseas countries and territories as and by the poverty of some peri-urban areas. Similarly, Member States, overseas countries and territories and third countries associated to the Programme should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. Those measures should resolve, where possible and without prejudice to the Schengen *acquis* and Union law on the entry and residence of third-country nationals, administrative issues that create difficulties in obtaining visas and residence permits and, in the case of cross-border activities within the Union, obtaining a European Health Insurance Card.

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<sup>1</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

- (44) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement adopted under the United Nations Framework Convention on Climate Change and to achieve the United Nations' Sustainable Development Goals, the Programme is intended to contribute to mainstreaming climate actions in and to the achievement of an overall target of 30 % of the Union budget expenditure supporting climate objectives. In line with the European Green Deal as a blueprint for sustainable growth, the actions under this Regulation should respect the 'do no harm' principle without changing the fundamental character of the Programme. During the implementation of the Programme, relevant actions should be identified and put in place and reassessed in the context of the relevant evaluations and review process. It is also appropriate to measure relevant actions that contribute to climate objectives, including those intended to reduce the environmental impact of the Programme.
- (45) This Regulation lays down a financial envelope for the Programme which is to constitute the prime reference amount, within the meaning of Point 18 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources<sup>1</sup>, for the European Parliament and the Council during the annual budgetary procedure.

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<sup>1</sup> OJ L 433 I, 22.12.2020, p. 28.

- (46) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. When making that choice in relation to grants, the use of lump sums, flat rates and scales of unit costs should be considered.
- (47) Third countries which are members of the European Economic Area may participate in Union Programmes in the framework of the cooperation established under the Agreement on the European Economic Area<sup>1</sup>, which provides for the implementation of those programmes on the basis of a decision adopted under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation requiring third countries to grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences. The full participation of third countries in the Programme should be subject to the conditions laid down in specific agreements covering the participation of the third country concerned in the Programme. Full participation entails, moreover, the obligation to set up a national agency and the management of some of the Programme actions under indirect management. Legal entities from third countries that are not associated to the Programme should be able to participate in some of the Programme actions, as defined in the work programmes and the calls for proposals published by the Commission. When implementing the Programme, specific arrangements could be taken into account with regard to the participation of legal entities from Andorra, Liechtenstein, Monaco, San Marino and the Holy See.

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<sup>1</sup> OJ L 1, 3.1.1994, p. 3.

- (48) In order to maximise the impact of the Programme, provisions should be made to allow Member States and third countries associated to the Programme and other Union programmes to make additional funding available in accordance with the rules of the Programme.
- (49) Pursuant to Council Decision 2013/755/EU<sup>1</sup>, persons and entities established in overseas countries and territories are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
- (50) In view of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and in line with the communication of the Commission of 24 October 2017 entitled ‘A stronger and renewed strategic partnership with the EU’s outermost regions’, the Programme should take into account the specific situation of the outermost regions referred to in that Article. Measures should be taken to increase the participation of the outermost regions in all actions, including by means of financial support, where relevant, for mobility actions. Mobility exchanges and cooperation between people and organisations from those regions and third countries, in particular their neighbours, should be fostered. Such measures should be monitored and evaluated regularly.

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<sup>1</sup> Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union (‘Overseas Association Decision’) (OJ L 344, 19.12.2013, p. 1).



- (51) In accordance with the Financial Regulation, the Commission should adopt work programmes and inform the European Parliament and the Council thereof. Work programmes should set out the measures needed for their implementation in line with the general and specific objectives of the Programme, the selection and award criteria for grants, as well as all other elements required. Work programmes and any amendments thereto should be adopted by means of implementing acts in accordance with the examination procedure.
- (52) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>, the Programme should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the Programme on the ground, including effects on societal and humanitarian challenges.

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<sup>1</sup> OJ L 123, 12.5.2016, p. 1.

- (53) Appropriate outreach, publicity and dissemination of the opportunities and results of the actions supported by the Programme should be ensured at local, national and European level. Particular attention should be paid to social enterprises, encouraging them to support the Programme activities. The outreach, publicity and dissemination activities should rely on all the Programme implementing bodies and should, where relevant, have the support of other key stakeholders. Furthermore, the Commission should engage with a broad range of stakeholders, including participating organisations, on a regular basis across the life cycle of the Programme, in order to facilitate the sharing of good practices and project results and gather feedback on the Programme. The national agencies should be invited to participate in that process.
- (54) In order to better achieve the objectives of the Programme, the Commission, national authorities and national agencies should preferably work closely together and, where appropriate, in partnership with non-governmental organisations, social enterprises, youth organisations, organisations representing people with disabilities, and local stakeholders that have expertise in solidarity actions.
- (55) In order to ensure greater efficiency in communication to the public at large and stronger synergies between the communication activities undertaken at the initiative of the Commission, the financial resources allocated to communication under this Regulation should also contribute to covering the corporate communication of the political priorities of the Union, insofar as those priorities are related to the general objectives of the Programme.

- (56) In order to ensure that this Regulation is efficiently and effectively implemented, the Programme should make maximum use of management arrangements already in place. The overall implementation of the Programme should therefore be entrusted to existing structures, namely the Commission and the national agencies designated for the management of the actions referred to in the chapter on youth in Regulation (EU) 2021/...<sup>+</sup>. Actions under the ‘participation of young people in humanitarian aid related solidarity activities’ strand, however, should be primarily managed directly. The Commission should regularly consult key stakeholders, including participating organisations, on the implementation of the Programme.
- (57) In order to ensure sound financial management and legal certainty in Member States and third countries associated to the Programme, each national authority should designate an independent audit body. Where feasible, and in order to maximise efficiency, the independent audit bodies should be the same as those designated for the actions referred to in chapter on youth in Regulation (EU) 2021/...<sup>+</sup>.
- (58) Member States should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. That includes resolving, where possible, and without prejudice to Union law on the entry and residence of third-country nationals issues that create difficulties in obtaining visas and residence permits.

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<sup>+</sup> OJ: please insert in the text the number of the Regulation contained in file 2018/0191(COD).

- (59) The performance reporting system should ensure that data for monitoring Programme implementation and evaluation are collected efficiently, effectively, in a timely manner, and at the appropriate level of detail. Such data should be communicated to the Commission in a way that complies with relevant data protection rules.
- (60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.
- (61) In order to simplify requirements for beneficiaries, simplified grants in the form of lump-sums, flat-rate financing and unit-costs should be used to the maximum possible extent. The simplified grants to support the mobility actions under the Programme, as defined by the Commission, should take into account the living and subsistence costs in the host country. In accordance with national law, Member States should also be encouraged to exempt those grants from any taxes and social levies; grants awarded to individuals by public or private legal entities should be treated in the same manner.

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<sup>1</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55 28.2.2011, p. 13).

- (62) In order to ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the Annex with regard to the Programme's performance indicators. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (63) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'). In particular, this Regulation seeks to ensure full respect for the right to equality between men and women and the right to non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, socioeconomic background, and to promote the application of Articles 21 and 23 of the Charter.

- (64) Horizontal financial rules adopted by the European Parliament and by the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (65) Since the objective of this Regulation, namely to enhance the engagement of young people and organisations in accessible and high-quality solidarity activities, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

- (66) In accordance with the Financial Regulation, it is possible to award a grant for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible for Union financing, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to the Union's interests, it should be possible to provide in the financing decision, for a limited period of time at the beginning of the 2021-2027 MFF, and only in duly justified cases, for eligibility of activities and costs from 1 January 2021, even if those activities were implemented and those costs incurred before the grant application was submitted.
- (67) Actions or initiatives that are not supported under this Regulation cannot be included in the work programmes.
- (68) In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the Programme and other Union programmes, including Funds implemented under shared management. To maximise those synergies, key enabling mechanisms should be ensured, including cumulative funding in an action from the Programme and another Union programme, as long as such cumulative funding does not exceed the total eligible costs of the action. For that purpose, this Regulation should set out appropriate rules, in particular on the possibility to declare the same cost or expenditure on a pro-rata basis to the Programme and another Union programme.

- (69) Regulation (EU) 2018/1475 of the European Parliament and of the Council<sup>1</sup> should be repealed with effect from 1 January 2021.
- (70) In order to ensure continuity in providing support in the relevant policy area and to allow implementation of the Programme to start from the beginning of the 2021-2027 MFF, this Regulation should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021,

HAVE ADOPTED THIS REGULATION:

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<sup>1</sup> Regulation (EU) 2018/1475 of the European Parliament and of the Council of 2 October 2018 laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU (OJ L 250, 4.10.2018, p. 1).



# CHAPTER I

## GENERAL PROVISIONS

### *Article 1*

#### *Subject matter*

1. This Regulation establishes the European Solidarity Corps Programme (the ‘Programme’) for the period of the 2021-2027 MFF.
2. The Programme sets up the following two strands of actions:
  - (a) the ‘participation of young people in solidarity activities’ strand; and
  - (b) the ‘participation of young people in humanitarian aid related solidarity activities’ strand (the ‘European Voluntary Humanitarian Aid Corps’).
3. This Regulation lays down the objectives of the Programme, the budget for the period from 2021 to 2027, the forms of Union funding and the rules for providing such funding.

*Article 2*  
*Definitions*

For the purposes of this Regulation, the following definitions apply:

- (1) ‘solidarity activity’ means a high-quality, inclusive activity that addresses important societal challenges, that contributes to the achievement of the Programme objectives, that takes the form of volunteering, a solidarity project or a networking activity in various fields, including in the field of humanitarian aid, that ensures European added value and that complies with occupational health and safety regulations and relevant security rules;
- (2) ‘registered candidate’ means an individual aged between 17 and 30 years or, in the case of volunteering under the European Voluntary Humanitarian Aid Corps, between 17 and 35 years who is legally residing in a Member State, in a third country associated to the Programme or in another participating country under this Regulation and who has registered in the European Solidarity Corps Portal to express his or her interest in engaging in a solidarity activity but who is not yet participating in such an activity;
- (3) ‘participant’ means an individual aged between 18 and 30 years or, in the case of volunteering under the European Voluntary Humanitarian Aid Corps, between 18 and 35 years who is legally residing in a Member State, in a third country associated to the Programme or in another participating country under this Regulation, who has registered in the European Solidarity Corps Portal and who takes part in a solidarity activity;

- (4) ‘young people with fewer opportunities’ means young people who, for economic, social, cultural, geographical or health reasons, due to their migrant background, or for reasons such as a disability or educational difficulties or for any other reason, including a reason that could give rise to discrimination under Article 21 of the Charter, face obstacles that prevent them from having effective access to opportunities under the Programme;
- (5) ‘participating organisation’ means a local, regional, national or international public or private entity, whether non-profit or profit-making, that has been attributed a quality label;
- (6) ‘volunteering’ means a solidarity activity that takes place, for a period of up to 12 months, as a voluntary unpaid activity that contributes to the achievement of the common good;
- (7) ‘solidarity project’ means an unpaid solidarity activity that takes place for a period of up to 12 months and that is carried out by groups of at least five participants with a view to addressing key challenges within their communities while presenting a clear European added value;
- (8) ‘quality label’ means the certification attributed, on the basis of varying specific requirements depending on the type of solidarity activity provided, to a participating organisation willing to provide solidarity activities under the Programme in a host capacity, in a support capacity, or in both capacities;

- (9) ‘European Solidarity Corps Resource Centres’ means the additional functions performed by designated national agencies to support the development, implementation and quality of solidarity activities under the Programme as well as the identification of the competences acquired by the participants through their solidarity activities;
- (10) ‘European Solidarity Corps Portal’ means an interactive web-based tool, in all official languages of the Union, managed under the responsibility of the Commission, that provides relevant online services to support the quality implementation of the Programme, that complements the activities of participating organisations, including providing information about the Programme, that registers participants, that searches for participants, that advertises and searches for solidarity activities, that searches for potential project partners, that supports contact making and offers for solidarity activities, training and communication and networking activities, that informs and notifies users about opportunities, that provides a feedback mechanism regarding the quality of solidarity activities and that allows other functions to be added in response to relevant developments related to the Programme;
- (11) ‘Union transparency and recognition tool’ means an instrument that helps stakeholders to understand, appreciate and, as appropriate, recognise non-formal and informal learning outcomes throughout the Union;

- (12) ‘humanitarian aid activity’ means an activity that supports post-crisis and long-term humanitarian aid operations in third countries, that is intended to provide needs-based assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters, and that includes assistance, relief and protection operations in ongoing humanitarian crises or their aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, and actions that aim to reinforce disaster preparedness and disaster risk reduction, link relief, rehabilitation and development and contribute towards strengthening the resilience and capacity of vulnerable or disaster-affected communities to cope with and recover from crises;
- (13) ‘third country’ means a country that is not member of the Union.

### *Article 3*

#### *Programme objectives*

1. The general objective of the Programme is to enhance the engagement of young people and organisations in accessible and high-quality solidarity activities, primarily volunteering, as a means to strengthen cohesion, solidarity, democracy, European identity and active citizenship in the Union and beyond, addressing societal and humanitarian challenges on the ground, with a particular focus on the promotion of sustainable development, social inclusion and equal opportunities.

2. The specific objective of the Programme is to provide young people, including young people with fewer opportunities, with easily accessible opportunities for engagement in solidarity activities that induce positive societal changes in the Union and beyond, while improving and properly validating their competences, as well as facilitating their continuous engagement as active citizens.
3. The Programme objectives shall be implemented under the strands of actions set out in Article 1(2).

## **CHAPTER II**

### **PROGRAMME ACTIONS**

#### *Article 4*

#### *Programme actions*

1. The Programme shall support the following actions:
  - (a) volunteering as set out in Articles 7 and 10;
  - (b) solidarity projects as set out in Article 8;
  - (c) networking activities as set out in Article 5(1); and
  - (d) quality and support measures as set out in Article 5(2).

2. The Programme shall support solidarity activities which present a clear European added value, for example through their:
  - (a) transnational character, particularly with regard to learning mobility and cooperation;
  - (b) ability to complement other programmes and policies at local, regional, national, Union and international level;
  - (c) European dimension regarding their themes and aims, approaches, expected outcomes and other aspects of these solidarity activities;
  - (d) approach to involving young people from different backgrounds;
  - (e) contribution to the effective use of Union transparency and recognition tools.
3. Solidarity activities shall be implemented in accordance with specific requirements set for each type of activity carried out in the framework of the Programme as referred to in Articles 5, 7, 8 and 10, as well as with applicable regulatory frameworks in Member States and third countries associated to the Programme.
4. References to the European Voluntary Service in the legal acts of the Union shall be read as including references to volunteering under both Regulation (EU) No 1288/2013 and this Regulation.

*Article 5*

*Actions common to both strands*

1. Networking activities shall be carried out in-country or cross-border and shall aim to:
  - (a) reinforce the capacities of participating organisations to offer high-quality, easily accessible projects to an increasing number of participants;
  - (b) attract new participants and new participating organisations;
  - (c) provide participants and participating organisations with opportunities to give feedback on solidarity activities and to promote the Programme; and
  - (d) contribute to the exchange of experiences and strengthening of a sense of belonging among participants and participating organisations, thereby supporting the wider positive impact of the Programme, including through activities such as the exchange of best practices and the creation of networks.
  
2. Quality and support measures shall include:
  - (a) appropriate measures to provide clearance requirements in accordance with applicable national law;



- (b) measures taken before, during or after the solidarity activities that aim to ensure the quality and accessibility of those activities, including online and offline training, adapted, where appropriate, to the solidarity activity in question and its context, language support, insurance, including accident and sickness insurance, the further use of Youthpass, which identifies and documents the competences acquired by participants during the solidarity activities, capacity building, and administrative support for participating organisations;
- (c) the development and maintenance of a quality label;
- (d) the activities of European Solidarity Corps Resource Centres to support and raise the quality of the implementation of the Programme actions and enhance the validation of their outcomes; and
- (e) the establishment, maintenance and updating of an accessible European Solidarity Corps Portal and of other relevant online services, as well as necessary IT support systems and web-based tools.

# CHAPTER III

## PARTICIPATION OF YOUNG PEOPLE IN SOLIDARITY ACTIVITIES

### *Article 6*

#### *Purpose and types of actions*

1. Actions implemented under the ‘participation of young people in solidarity activities’ strand shall, in particular, contribute to strengthening cohesion, solidarity, active citizenship and democracy within and outside the Union, while also responding to societal challenges with a particular focus on the promotion of social inclusion and equal opportunities.
2. The ‘participation of young people in solidarity activities’ strand shall support the following actions:
  - (a) volunteering as set out in Article 7;
  - (b) solidarity projects as set out in Article 8;
  - (c) networking activities for individuals and organisations participating in this strand as set out in Article 5(1);
  - (d) quality and support measures as set out in Article 5(2).

*Article 7*  
*Volunteering under the ‘participation of young people*  
*in solidarity activities’ strand*

1. Volunteering shall:
  - (a) include a learning and training component;
  - (b) not be a substitute for traineeships or jobs;
  - (c) not be equated with employment; and
  - (d) be based on a written volunteering agreement.

The agreement referred to in point (d) of the first subparagraph shall set out the rights and obligations of the parties to that agreement, the duration and location of deployment and a description of the tasks involved. Such an agreement shall refer to the terms of the participants’ insurance coverage and, where appropriate, to the relevant clearance requirements, in accordance with applicable national law.

2. Volunteering may take place in a country other than the participant’s country of residence (‘cross-border volunteering’) or in the participant’s country of residence (‘in-country volunteering’). In-country volunteering shall be open to the participation of all young people, in particular young people with fewer opportunities.

*Article 8*  
*Solidarity projects*

Solidarity projects shall not be a substitute for traineeships or jobs.

**CHAPTER IV**  
**EUROPEAN VOLUNTARY HUMANITARIAN AID CORPS**

*Article 9*  
*Purpose, principles and types of actions*

1. Actions under European Voluntary Humanitarian Aid Corps shall, in particular, contribute to providing needs-based humanitarian aid aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity and to strengthening the capacity and resilience of vulnerable or disaster-affected communities.
2. The actions under the European Voluntary Humanitarian Aid Corps shall:
  - (a) be carried out in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence, as well as with the ‘do no harm’ principle;
  - (b) respond to the humanitarian needs of local communities identified in cooperation with humanitarian and other relevant partners within the hosting country or region;

- (c) be planned on the basis of risk assessments and undertaken in a way that ensures that there is a high level of safety and security for volunteers;
  - (d) where relevant, facilitate the transition from the humanitarian response to long-term sustainable and inclusive development;
  - (e) facilitate the active involvement of local staff and volunteers from the countries and communities where they are implemented;
  - (f) wherever relevant, take into account the specific needs of women and seek to involve women and groups and networks of women; and
  - (g) contribute to efforts to strengthen local preparedness or the response to humanitarian crises.
3. The European Voluntary Humanitarian Aid Corps shall support the following actions:
- (a) volunteering as set out in Article 10;
  - (b) networking activities for individuals and organisations participating in the European Voluntary Humanitarian Aid Corps as set out in Article 5(1);
  - (c) quality and support measures as set out in Article 5(2), with a particular focus on measures to ensure the safety and security of participants.

*Article 10*

*Volunteering under the European Voluntary Humanitarian Aid Corps*

1. Volunteering under the European Voluntary Humanitarian Aid Corps shall:
  - (a) include a learning and training component, including on the principles set out in Article 10(2), and where appropriate include development and capacity building components, with the involvement of highly skilled, highly trained and experienced coaches, mentors and experts;
  - (b) not substitute traineeships or jobs;
  - (c) not be equated with employment, and
  - (d) be based on a written volunteering agreement.

The agreement referred to in point (d) of the first subparagraph shall set out the rights and obligations of the parties to that agreement, the duration and location of deployment and a description of the tasks involved. Such an agreement shall refer to the terms of the participants' insurance coverage and, where appropriate, to the relevant clearance requirements, in accordance with applicable national law.

2. Volunteering under the European Voluntary Humanitarian Aid Corps may only take place in those regions of third countries where:
  - (a) humanitarian aid activities and operations take place; and
  - (b) there are no ongoing international or non-international armed conflicts.

## **CHAPTER V**

### **FINANCIAL PROVISIONS**

#### *Article 11*

#### *Budget*

1. The financial envelope for the implementation of the Programme for the period from 2021 to 2027 shall be EUR 1 009 000 000 in current prices.
2. With a maximum of 20 % for in-country volunteering, the indicative distribution of the amount set out in paragraph 1 for the actions referred to in points (a), (b) and (c) of Article 4(1) shall be:
  - (a) 94 % for volunteering as set out in Article 7 and solidarity projects,
  - (b) 6 % for volunteering as set out in Article 10.

3. The amount set out in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.
4. Resources allocated to Member States under shared management may, at the request of the Member State concerned, be transferred to the Programme, subject to the conditions set out in Article 26 of a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the instrument for financial support for border management and visa (the ‘Common Provisions Regulation for 2021-2027’). The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.



## *Article 12*

### *Forms of Union funding and methods of implementation*

1. The Programme shall be implemented, in a consistent manner, under direct management in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or under indirect management with bodies as referred to in point (c) of the first subparagraph of Article 62(1) of that Regulation.
2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement.
3. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. Article 37(7) of Regulation (EU) 2021/... of the European Parliament and of the Council<sup>1+</sup> shall apply.
4. For selections under both direct and indirect management, members of the evaluation committee may be external experts as provided for in the third subparagraph of Article 150(3) of the Financial Regulation.

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<sup>1</sup> Regulation (EU) 2021/... of the European Parliament and of the Council of ... establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L ..., ..., p. ...).

<sup>+</sup> OJ: Please insert in the text the number of the Regulation contained in document ST 7064/2020 (2018/0224(COD)), and insert the number, date, title and OJ reference of that Regulation in the footnote.

## CHAPTER VI

### PARTICIPATION IN THE PROGRAMME

#### *Article 13*

##### *Third countries associated to the Programme*

1. The Programme shall be open to the participation of the following third countries:
  - (a) members of the European Free Trade Association which are members of the European Economic Area, in accordance with the conditions laid down in the Agreement on the European Economic Area;
  - (b) acceding countries, candidate countries and potential candidate countries, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;
  - (c) European Neighbourhood Policy countries, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;

- (d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:
  - (i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
  - (ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs;
  - (iii) does not confer on the third country any decision-making power in respect of the Union programme; and
  - (iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

The contributions referred to in point (d)(ii) of the first subparagraph shall constitute assigned revenues in accordance with Article 21(5) of the Financial Regulation.

2. The countries listed in paragraph 1 may only participate in the Programme in its entirety and provided that they fulfil all the obligations which this Regulation imposes on Member States.

#### *Article 14*

##### *Other participating countries*

1. The Programme shall be open to the participation of overseas countries and territories.
2. In duly justified cases in the Union's interest, the actions referred to in Article 5 and volunteering as referred to in Article 7 may also be open to participation of legal entities of third countries not associated to the Programme.

#### *Article 15*

##### *Participation of individuals*

1. Young people aged between 17 and 30 years or, in the case of volunteering under the European Voluntary Humanitarian Aid Corps as set out in Article 10, between 17 and 35 years who wish to participate in the Programme shall register in the European Solidarity Corps Portal.
2. At the moment of commencing volunteering or a solidarity project under the 'participation of young people in solidarity activities' strand, a participant shall be at least 18 years of age and not older than 30 years of age. At the moment of commencing volunteering under the European Voluntary Humanitarian Aid Corps as set out in Article 10, a participant shall be at least 18 years of age and not older than 35 years of age.

## *Article 16*

### *Inclusion of young people with fewer opportunities*

1. When implementing this Regulation, the Commission, the Member States and third countries associated to the Programme shall ensure that specific and effective measures are taken to promote social inclusion and equal access conditions, in particular for the participation of young people with fewer opportunities.
2. The Commission shall, by ... [six months after the date of entry into force of this Regulation], develop a framework of inclusion measures to increase participation rates among people with fewer opportunities and guidance for the implementation of such measures. That guidance shall be updated as necessary over the duration of the Programme. Based on the framework of inclusion measures, and with particular attention to the specific Programme access challenges within the national contexts, inclusion action plans shall be developed and shall form an integral part of the national agencies' work programmes. The Commission shall monitor the implementation of those inclusion action plans on a regular basis.
3. The Commission shall, where relevant and safeguarding sound financial management, ensure that financial support measures, including pre-financing, are put in place to facilitate the participation of young people with fewer opportunities in the Programme. The level of support shall be based on objective criteria.

*Article 17*

*Participating organisations*

1. The Programme shall be open to the participation of public or private entities, whether non-profit or profit-making, and international organisations, provided that they have received a quality label.
2. The competent Programme implementing body shall assess an application from an entity to become a participating organisation based on the principles of:
  - (a) equal treatment;
  - (b) equal opportunities and non-discrimination;
  - (c) the avoidance of job substitution;
  - (d) the avoidance of harmful activities;
  - (e) the provision of high quality, easily accessible and inclusive activities with a learning dimension focusing on personal, socio-educational and professional development;
  - (f) adequate volunteering arrangements;
  - (g) safe and decent environments and conditions, with internal mechanisms for conflict resolution to protect the participant; and
  - (h) ‘no-profit’ in accordance with the Financial Regulation.

The competent Programme implementing body shall use the principles referred to in the first subparagraph to ascertain whether the activities of the entity applying to become a participating organisation meet the requirements and objectives of Programme.

3. As a result of the assessment referred to in paragraph 2, the entity may be attributed a quality label. The competent Programme implementing body shall periodically reassess whether the entity continues to comply with the conditions that led to the attribution of the quality label. Where the entity no longer complies with those conditions, the competent Programme implementing body shall take remedial measures until such time as the conditions and quality requirements are met. In the event of continued failure to comply with those conditions and quality requirements, the quality label shall be revoked.
4. Any entity which has received a quality label shall be given access to the European Solidarity Corps Portal in a host capacity, in a support capacity, or in both capacities, and shall be able to make offers of solidarity activities to registered candidates.
5. The quality label shall not automatically lead to funding under the Programme.
6. The solidarity activities and related quality and support measures offered by a participating organisation may receive funding under the Programme or from other funding sources which do not depend on the Union budget.
7. For participating organisations under the European Voluntary Humanitarian Aid Corps, the safety and security of volunteers, based on risk assessments, shall be a priority.

8. After completion of the solidarity activity and if requested by the participant, a participating organisation shall provide the participant with a certification stating the learning outcomes of, and skills developed during, the solidarity activity, such as Youthpass or Europass.

### *Article 18*

#### *Access to the funding under the Programme*

Any public or private entity established in a Member State, overseas country or territory or third country associated to the Programme, as well as any international organisation, may apply for funding under the Programme. In the case of volunteering as set out in Articles 7 and 10, the participating organisation shall, as a pre-condition, have obtained a quality label in order to receive funding under the Programme. In the case of the solidarity projects referred to in Article 8, natural persons may also apply for funding on behalf of informal groups of participants. As a general rule, the grant application shall be submitted to the national agency of the country in which the entity, organisation or natural person is based.



## CHAPTER VII

# PROGRAMMING, MONITORING AND EVALUATION

### *Article 19*

#### *Work programme*

The Programme shall be implemented by work programmes as referred to in Article 110 of the Financial Regulation. Work programmes shall give an indication of the amount allocated to each action and of the distribution of funds between the Member States and third countries associated to the Programme for the actions to be managed through the national agency. The Commission shall adopt work programmes by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 31.

### *Article 20*

#### *Monitoring and reporting*

1. Indicators to report on the progress of the Programme towards the achievement of the general and specific objectives laid down in Article 3 are set out in the Annex.

2. To ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 30, to amend the Annex with regard to the indicators, where considered necessary, and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.
3. The performance reporting system shall ensure that data for monitoring the implementation and results of the Programme are collected efficiently, effectively, in a timely manner and at the appropriate level of detail.

To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and, where appropriate, on Member States.

#### *Article 21*

#### *Evaluation*

1. The Commission shall carry out evaluations in a timely manner to feed into the decision-making process.

2. Once sufficient information about the implementation of the Programme is available but, in any event, no later than 31 December 2024, the Commission shall carry out an interim evaluation of the Programme. That interim evaluation shall also be accompanied by a final evaluation of the 2018-2020 European Solidarity Corps Programme, which shall feed into the interim evaluation. The interim evaluation of the Programme shall assess the overall effectiveness and performance of the Programme, as well as the delivery of the inclusion measures.
3. Without prejudice to the requirements set out in Chapter IX and the obligations of national agencies set out in Article 24, Member States shall submit to the Commission, by 31 May 2024, a report on the implementation and the impact of the Programme in their respective territories.
4. Where appropriate, and on the basis of the interim evaluation, the Commission shall put forward a legislative proposal to amend this Regulation.
5. After 31 December 2027 but, in any event, no later than 31 December 2031, the Commission shall carry out a final evaluation of the results and impact of the Programme.
6. The Commission shall transmit any evaluations carried out under this Article, including the interim evaluation, accompanied by its observations, to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions.

# CHAPTER VIII

## INFORMATION, COMMUNICATION AND DISSEMINATION

### *Article 22*

#### *Information, communication and dissemination*

1. The recipients of Union funding shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.
  
2. The Commission shall implement information and communication actions relating to the Programme, to actions taken pursuant to the Programme and to the results obtained. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives referred to in Article 3.

3. In cooperation with the Commission, the national agencies shall develop a consistent strategy with regard to effective outreach, and the dissemination and exploitation of the results of activities supported under the actions they manage within the Programme. The national agencies shall assist the Commission in its general task of disseminating information concerning the Programme, including information in respect of actions and activities managed at national and Union level, and its results. National agencies shall inform relevant target groups about the actions and activities undertaken in their respective countries.
4. Participating organisations shall use the name ‘European Solidarity Corps’ for the purposes of communicating and disseminating information related to the Programme.

# CHAPTER IX

## MANAGEMENT AND AUDIT SYSTEM

### *Article 23*

#### *National authority*

In each Member State and third country associated to the Programme, the national authorities designated for the management of actions referred to in Chapter III of Regulation (EU) 2021/...<sup>+</sup> shall also act as national authorities in the framework of the Programme. Article 26(1), (2), (6), (7), (9), (10), (11), (12), (13) and (14) of Regulation (EU) 2021/...<sup>+</sup> shall apply *mutatis mutandis* to national authorities under the Programme.

### *Article 24*

#### *National agency*

1. In each Member State and third country associated to the Programme, the national agencies designated for the management of the actions referred to in Chapter III of Regulation (EU) 2021/...<sup>+</sup> in their respective countries shall also act as national agencies in the framework of the Programme. Paragraphs 1 and 2 and 4 to 8 of Article 27 of Regulation (EU) 2021/...<sup>+</sup> shall apply *mutatis mutandis* to the national agencies under the Programme.

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<sup>+</sup> OJ: please insert in the text the number of the Regulation included in file 2018/0191(COD).

2. Without prejudice to Article 27(2) of Regulation (EU) 2021/...<sup>+</sup>, the national agency shall also be responsible for managing all stages of the project lifecycle of those Programme actions listed in the implementing acts referred to in Article 19 of this Regulation, in accordance with point (c) of the first subparagraph of Article 62(1) of the Financial Regulation.
3. Where a national agency has not been designated for a third country as referred to in Article 13(1) of this Regulation, it shall be established in accordance with Article 27 of Regulation (EU) 2021/...<sup>+</sup>.

#### *Article 25*

#### *European Commission*

1. The rules applying to the relationship between the Commission and a national agency shall be laid down, in accordance with Article 27 of Regulation (EU) 2021/...<sup>+</sup>, in a written document which shall:
  - (a) set out the internal control standards for the national agency concerned and the rules for the management of the Union funds for grant support by the national agencies;
  - (b) include the national agency work programme comprising the management tasks of the national agency to which Union support is provided; and
  - (c) specify the reporting requirements for the national agency.

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<sup>+</sup> OJ: please insert in the text the number of the Regulation included in file 2018/0191(COD).

2. Each year, the Commission shall make the following funds available to the national agency:
  - (a) funds for grant support in the Member State or third country associated to the Programme concerned for the Programme actions the management of which is entrusted to the national agency;
  - (b) a financial contribution in support of the national agency's management tasks, which shall be established in accordance with the arrangements set out in point (b) of Article 28(3) of Regulation (EU) 2021/...<sup>+</sup>.
3. The Commission shall lay down the requirements for the national agency's work programme. The Commission shall not make Programme funds available to the national agency before having formally approved the national agency's work programme.
4. On the basis of the compliance requirements for national agencies referred to in Article 26(3) of Regulation (EU) 2021/...<sup>+</sup>, the Commission shall review the national management and control systems, the national agency's yearly management declaration and the opinion of the independent audit body thereon, taking due account of the information provided by the national authority on its monitoring and supervision activities with regard to the Programme.
5. After assessing the yearly management declaration and the opinion of the independent audit body thereon, the Commission shall address its opinion and observations to the national agency and the national authority.

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<sup>+</sup> OJ: please insert in the text the number of the Regulation included in file 2018/0191(COD).



6. In the event that the Commission cannot accept the yearly management declaration or the independent audit opinion thereon, or in the event of unsatisfactory implementation by the national agency of the Commission's observations, the Commission may implement any precautionary and corrective measures necessary to safeguard the Union's financial interests in accordance with point (c) of the first subparagraph of Article 131(3) of the Financial Regulation.

#### *Article 26*

##### *Independent audit body*

1. The independent audit body shall issue an audit opinion on the yearly management declaration as referred to in point (c) of Article 155(1) of the Financial Regulation. It shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.
2. The independent audit body shall:
  - (a) have the necessary professional competence to carry out public sector audits;
  - (b) ensure that its audits take account of internationally accepted audit standards; and
  - (c) not be in a position of conflict of interest with regard to the legal entity of which the national agency forms part and shall be independent, in terms of its functions, of the legal entity of which the national agency forms part.

3. The independent audit body shall give the Commission and its representatives and the Court of Auditors full access to all documents and reports in support of the audit opinion that it issues on the national agency's yearly management declaration.

## **CHAPTER X**

### **CONTROL SYSTEM**

#### *Article 27*

#### *Principles of the control system*

1. The Commission shall be responsible for the supervisory controls with regard to the Programme actions managed by the national agencies. It shall set the minimum requirements for the controls by the national agency and the independent audit body.
2. National agencies shall be responsible for the primary controls of grant beneficiaries for the Programme actions which are entrusted to them. Those controls shall provide reasonable assurance that the grants awarded are used as intended and in compliance with the applicable Union rules.
3. With regard to the Programme funds transferred to the national agencies, the Commission shall ensure proper coordination of its controls with the national authorities and the national agencies, on the basis of the single audit principle and following a risk-based analysis. This paragraph shall not apply to investigations carried out by OLAF.

*Article 28*

*Protection of the financial interests of the Union*

Where a third country participates in the programme by means of a decision adopted pursuant to an international agreement or on the basis of any other legal instrument, the third country shall grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, as provided for in Regulation (EU, Euratom) No 883/2013.

## **CHAPTER XI**

### **COMPLEMENTARITY**

*Article 29*

*Complementarity of Union action*

1. The Programme actions shall be consistent with and complementary to the relevant policies, instruments and programmes at Union level, in particular the Erasmus+ Programme, as well as to existing networks at Union level relevant to the activities of the Programme.

2. The Programme actions shall also be consistent with and complementary to the relevant policies, programmes and instruments at national level in the Member States and third countries associated to the Programme. To this end, the Commission, national authorities and national agencies shall exchange information on existing national schemes and priorities related to solidarity and youth, on the one hand, and actions under the Programme, on the other hand, with a view to building on relevant good practices and achieving efficiency and effectiveness.
3. Volunteering as set out in Article 10 shall, in particular, be consistent with and complementary to other areas of Union external action, in particular humanitarian aid policy, development cooperation policy, enlargement policy, neighbourhood policy and the Union Civil Protection Mechanism.
4. An action that has received a contribution under the Programme may also receive a contribution from another Union programme, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

5. Project proposals may receive support from the European Regional Development Fund or the European Social Fund Plus, in accordance with Article 73(4) of the Common Provisions Regulation for 2021-2027, where they have been awarded a Seal of Excellence label under the Programme by virtue of complying with the following cumulative conditions:
- (a) they have been assessed in a call for proposals under the Programme;
  - (b) they comply with the minimum quality requirements of that call for proposals; and
  - (c) they cannot be financed under that call for proposals due to budgetary constraints.

## **CHAPTER XII**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### *Article 30*

#### *Exercise of the delegation*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 20 shall be conferred on the Commission for the duration of the Programme.

3. The delegation of power referred to in Article 20 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 20 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

### *Article 31*

#### *Committee procedure*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### *Article 32*

#### *Repeal*

Regulations (EU) 2018/1475 and (EU) No 375/2014 are repealed with effect from 1 January 2021.

### *Article 33*

#### *Transitional provisions*

1. This Regulation shall not affect the continuation of or modification of actions initiated pursuant to Regulation (EU) 2018/1475 or (EU) No 375/2014, which shall continue to apply to those actions until their closure.
2. The financial envelope for the Programme may also cover the technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted pursuant to Regulation (EU) 2018/1475 or (EU) No 375/2014.

3. In accordance with point (a) of the second subparagraph of Article 193(2) of the Financial Regulation, and by way of derogation from Article 193(4) of that Regulation, in duly justified cases specified in the financing decision, activities supported under this Regulation and the underlying costs incurred in 2021 may be considered eligible as of 1 January 2021, even if those activities were implemented and those costs incurred before the grant application was submitted.
4. If necessary, appropriations may be entered in the Union budget beyond 2027 to cover the expenses provided for in Article 11(3) in order to enable the management of actions and activities not completed by 31 December 2027.
5. Member States shall ensure, at national level, the unimpeded transition between the actions implemented under the 2018-2020 European Solidarity Corps Programme and those to be implemented under the Programme.



*Article 34*  
*Entry into force*

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Union.

It shall apply from 1 January 2021.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

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## ANNEX

The measurements of quantitative indicators shall be disaggregated, where appropriate, by country, professional background, level of educational attainment, gender and type of action and activity.

The following areas are to be monitored:

- (a) the number of participants in solidarity activities;
- (b) the share of participants with fewer opportunities;
- (c) the number of organisations holding a quality label;
- (d) the number of participants who are young people with fewer opportunities;
- (e) the share of participants reporting positive learning outcomes;
- (f) the share of participants whose learning outcomes have been documented through a Union transparency and recognition tool such as Youthpass, Europass or a national tool;

- (g) the overall satisfaction rate of participants with regard to the quality of activities;
  - (h) the share of activities that address climate objectives;
  - (i) the degree of satisfaction of volunteers deployed in the humanitarian aid field and of participating organisations with regard to the effective humanitarian contribution of the activities on the ground;
  - (j) the number of activities in third countries that contribute to strengthening local actors and local communities and complementing volunteering under the European Voluntary Humanitarian Aid Corps.
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