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From: General Secretariat of the Council  
To: Council

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Subject: Proposal for a Regulation of the European Parliament and of the Council  
establishing the European Solidarity Corps programme and repealing  
[European Solidarity Corps Regulation] and Regulation (EU) No 375/2014  
- Partial General approach

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1. On 13 June 2018, the Commission presented its above mentioned proposal<sup>1</sup>.
2. Since the proposed Regulation is one of the package of proposals linked to the Multiannual Financial Framework (MFF), all provisions with budgetary implications or of horizontal nature have been set aside and excluded from the partial general approach pending further progress on the MFF. These provisions appear between square brackets in the text.

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<sup>1</sup> Doc. 9993/1/18 REV 1 - COM(2018)440 final/2 + ADD1-4

3. The Working Party on Youth examined the proposal at a number of meetings from July to October 2018, on the basis of different Presidency revised texts<sup>2</sup>.
  4. The Commission maintains a general reserve on any amendments to the proposal, pending the position of the European Parliament.
  5. On 15 November 2018, the Permanent Representatives Committee noted the broad agreement on the text in Annex, subject only to a parliamentary scrutiny reservation from DK.
  6. The Council is therefore invited to examine the attached draft Regulation on the European Solidarity Corps (ESC) 2021 to 2027 with a view to reaching a partial general approach at its meeting (Education, Youth, Culture and Sport) on 26-27 November 2018.
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<sup>2</sup> Docs 11862/18, 12207/18, 12644/18, 12971/18, 12966/18 and 13392/18

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing the European Solidarity Corps programme and repealing [European Solidarity Corps Regulation] and Regulation (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>3</sup>,

Having regard to the opinion of the Committee of the Regions<sup>4</sup>,

Acting in accordance with the ordinary legislative,

Whereas:

- (1) The European Union is built on solidarity, among its citizens and among its Member States. This universal and common value guides its actions and provides the necessary unity to cope with current and future societal challenges, which young Europeans are willing to help address by expressing their solidarity in practice.

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<sup>3</sup> OJ C [...], [...], p. [...].

<sup>4</sup> OJ C [...], [...], p. [...].

- (2) 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 (the ‘Programme’) 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, thus getting not only work but also invaluable human experience.
- (3) In its Communication ‘A European Solidarity Corps’ of 7 December 2016<sup>5</sup>, 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 and local actors, in their efforts to cope with different challenges and crises. The Communication launched a first phase of the European Solidarity Corps whereby different Union programmes were mobilised to offer volunteering, traineeship or job opportunities to young people across the Union.
- (4) Article 2 of the Treaty of the European Union highlights solidarity as one of the principles key to the European Union. That principle is also referred to in Article 21(1) of the Treaty of the European Union as one of the foundations of the EU’s external action.
- (5) Young people should be provided with easily accessible opportunities to engage in solidarity activities, which could enable them to express their commitment to the benefit of communities while acquiring useful experience, skills and competences for their personal, educational, social, civic and professional development, thereby improving their employability. Those activities should also support the mobility of young volunteers, trainees and workers.
- (6) The solidarity activities offered to young people should allow for concrete and beneficial contributions of young people and be of high quality, in the sense that they should respond to unmet societal needs, contribute to strengthening communities, offer young people the opportunity to acquire valuable knowledge and competences, be financially accessible to young people, and be implemented in safe and healthy conditions.

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<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A European Solidarity Corps (COM(2016) 942 final).

- (7) The European Solidarity Corps provides a single entry point for solidarity activities throughout the Union and beyond. Consistency and complementarity should be ensured with other relevant Union policies, such as the EU Youth Strategy, and programmes, especially Erasmus+ and successor programmes. The European Solidarity Corps is built on the strengths and synergies of predecessor and existing programmes, notably the European Voluntary Service<sup>6</sup> and the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative')<sup>7</sup>. It should set up two strands of actions in order to allow participation of young people in solidarity activities addressing societal challenges and participation of young people in humanitarian aid related solidarity activities (European Voluntary Humanitarian Aid Corps). The European Solidarity Corps also complements the efforts made by Member States to support young people and ease their school-to-work transition under the Youth Guarantee by providing them with additional opportunities to make a start on the labour market in the form of traineeships or jobs in solidarity-related areas within their respective Member State or across borders. Complementarity with existing Union level networks pertinent to the activities under the European Solidarity Corps, such as the European Network of Public Employment Services, EURES and the Eurodesk network, are also ensured. Furthermore, complementarity between existing related schemes, in particular national solidarity schemes and mobility schemes for young people, and the European Solidarity Corps should be ensured, building on good practices where appropriate.
- (8) With respect to the interpretation of related legislation at Union level, both the cross-border volunteering activities under the European Solidarity Corps and the volunteering activities that continue to be supported under Regulation (EU) No 1288/2013 should be considered equivalent to those carried out under the European Voluntary Service.

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<sup>6</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. 50–73).

<sup>7</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).

- (9) The European Solidarity Corps opens up new opportunities for young people to carry out volunteering, traineeship or job activities in solidarity-related areas as well as to devise and develop solidarity projects based on their own initiative. These opportunities contribute to enhancing their personal, educational, social, civic and professional development. The European Solidarity Corps also supports networking activities for European Solidarity Corps participants and organisations as well as measures to ensure the quality of the supported activities and to enhance the validation of their learning outcomes. It will thus also contribute to European cooperation relevant to young people and raising awareness of its positive impact.
- (10) These activities should be to the benefit of communities while also fostering the individual's personal, educational, social, civic and professional development, which may take the form of volunteering, traineeships and jobs, projects or networking activities, developed in relation to different areas, such as education and training, youth work, employment, gender equality, entrepreneurship – in particular social entrepreneurship –, citizenship and democratic participation, environment and nature protection, climate action, disaster prevention, preparedness and recovery, agriculture and rural development, provision of food and non-food items, health and wellbeing, creativity and culture, physical education and sport, social assistance and welfare, reception and integration of third-country nationals, territorial cooperation and cohesion, and cooperation across borders. Such 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.
- (11) Volunteering activities (both within and beyond the Union) constitute a rich experience in a non-formal and informal learning context which enhances young people's personal, socio-educational and professional development, active citizenship and employability. Volunteering activities should not have an adverse effect on potential or existing paid employment, nor should they be seen as 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.

- (12) Traineeships and jobs in solidarity-related areas can offer additional opportunities for young people to make a start on the labour market while contributing to addressing key societal challenges. This can help foster the employability and productivity of young people while easing their transition from education to employment, which is key to enhancing their chances on and facilitating their sustainable integration into the labour market. The traineeship activities offered under the European Solidarity Corps follow the quality principles outlined in Council Recommendation on establishing a Quality Framework for Traineeships<sup>8</sup>. The traineeships and jobs offered constitute a stepping stone for young people to enter the labour market and are accompanied by adequate post-activity support. The traineeship and job activities are facilitated by relevant labour market actors, in particular public and private employment services, social partners and Chambers of Commerce, and are remunerated by the participating organisation. As participating organisations, they should apply for funding via the competent implementing body of the European Solidarity Corps in view of intermediating between the young participants and employers offering traineeship and job activities in solidarity sectors.
- (13) Young people's spirit of initiative is an important asset for society and for the labour market. The European Solidarity Corps contributes to fostering this aspect by offering young people the opportunity to devise and implement their own projects aimed at addressing specific challenges to the benefit of their local or host communities. These projects are an opportunity to try out ideas and support young people to be themselves drivers of solidarity actions. They also serve as a springboard for further engagement in solidarity activities and are a first step towards encouraging European Solidarity Corps participants to engage in self-employment or setting up associations, non-governmental organisations or other bodies active in the solidarity, non-profit and youth sectors.

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<sup>8</sup> Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships (OJ C 153, 2.5.2018, p. 1).

- (14) Young people and organisations participating in the European Solidarity Corps should 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 capacities to offer good quality activities to an increasing number of participants. The European Solidarity Corps supports networking activities aimed at strengthening young people and participating organisations' engagement in this community, at fostering a European Solidarity Corps spirit, as well as at encouraging the exchange of useful practices and experience. These activities also contribute to raising awareness about the European Solidarity Corps among public and private actors as well as to collect feedback from participants and participating organisations on the implementation of the European Solidarity Corps.
- (15) Particular attention should be given to ensuring the quality and accessibility of the activities and other opportunities offered under the European Solidarity Corps, in particular by offering training, language support, complementary insurance and administrative support to participants before, during and after the activity. The validation of the knowledge, skills and competences acquired through their European Solidarity Corps experience should be ensured, e.g., by the further use of Youthpass. Security and safety of the volunteers remain of paramount importance and volunteers should not be deployed to operations conducted in the theatre of international and non-international armed conflicts.
- (16) To ensure the impact of European Solidarity Corps activities on the personal, educational, social, civic and professional development of the participants, the knowledge, skills and competences that are the learning outcomes of the activity should be properly identified and documented, in accordance with national circumstances and specificities, as recommended in Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning<sup>9</sup>.

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<sup>9</sup> Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1–5).



- (17) A quality label should ensure compliance of the participating organisations with the principles and requirements of the European Solidarity Corps, as regards their rights and responsibilities during all stages of the solidarity experience. Obtaining a quality label is a precondition for participation but should not automatically lead to funding under the European Solidarity Corps.
- (18) Any entity willing to participate in the European Solidarity Corps should receive a quality label provided that the appropriate conditions are fulfilled. The process that leads to the attribution of a quality label should be carried out on a continuous basis by the implementing bodies of the European Solidarity Corps. The attributed quality label should be reassessed periodically and could be revoked if, in the context of the checks to be performed, the conditions that led to its attribution were found to be no longer fulfilled.
- (19) An entity willing to apply for funding to offer activities under the European Solidarity Corps should have first received a quality label as a precondition. This requirement does not apply to natural persons seeking financial support on behalf of an informal group of European Solidarity Corps participants for their solidarity projects.
- (20) Participating organisations may perform several functions in the framework of the European Solidarity Corps. In a host function they will carry out activities related to receiving the participants, including the organisation of activities and providing guidance and support to participants during the solidarity activity, as appropriate. In a support function they will carry out activities in relation to the sending and the preparation of participants before departure, during and after the solidarity activity, including training and guiding participants to local organisations after the activity.
- (21) The scaling-up of European Solidarity Corps projects should be facilitated. Specific measures should be put in place to help promoters of European Solidarity Corps projects to apply for grants or develop synergies through the support of the European Structural and Investment Funds and the programmes relating to migration, security, justice and citizenship, health and culture.

- (22) European Solidarity Corps Resource Centres should assist the implementing bodies, the participating organisations and the young people taking part in the European Solidarity Corps in order to raise the quality of the implementation of the activities of the European Solidarity Corps as well as to enhance the identification and validation of competences acquired through these activities including through producing Youthpass certificates.
- (23) The European Solidarity Corps Portal should be continuously developed in order to ensure easy access to the European Solidarity Corps and to provide a one-stop shop for both interested individuals and organisations as regards, inter alia, registration, identification and matching of profiles and opportunities, networking and virtual exchanges, online training, language and post-activity support as well as other useful functionalities, which may arise in the future.
- (24) The European Solidarity Corps Portal should be further developed taking into account the European Interoperability Framework<sup>10</sup>, which gives specific guidance on how to set up interoperable digital public services and is implemented in the Member States and other member of the European Economic Area through National Interoperability Frameworks. It offers public administrations 47 concrete recommendations on how to improve governance of their interoperability activities, establish cross-organisational relationships, streamline processes supporting end-to-end digital services, and ensure that both existing and new legislation do not compromise interoperability efforts.
- (25) Regulation [the new Financial Regulation]<sup>11</sup> (the ‘Financial Regulation’) applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, financial assistance, financial instruments and budgetary guarantees.

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<sup>10</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - European Interoperability Framework – Implementation Strategy (COM(2017) 134 final).

<sup>11</sup> [Pending reference to Financial Regulation].

- (26) In particular, in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council<sup>12</sup> and Council Regulation (Euratom, EC) No 2185/96<sup>13</sup>, the European Anti-Fraud Office (OLAF) may 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. In accordance with Council Regulation (EU) 2017/1939<sup>14</sup>, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other 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>15</sup>. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.
- (27) The European Solidarity Corps targets young people aged 18-30, and participation in the activities offered by the European Solidarity Corps should require prior registration in the European Solidarity Corps Portal.

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<sup>12</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) (OJ L 248, 18.9.2013, p. 1).

<sup>13</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>14</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>15</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).

- (28) Special attention should be given to ensuring that the activities supported by the European Solidarity Corps are accessible to all young people, notably the most disadvantaged ones. Special measures should be in place to promote social inclusion, the participation of disadvantaged young people, as well as to take into account the constraints imposed by the remoteness of a number of rural areas and of the outermost regions of the Union and the Overseas Countries and Territories, as well as by the poverty of some peri-urban areas. Similarly, the participating countries should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the European Solidarity Corps. This 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, as well as the issuing of a European Health Insurance Card in the case of cross-border activities within the European Union.
- (29) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations 2030 Agenda for Sustainable Development, this Programme will contribute to mainstream climate action and to the achievement of an overall target of [25 %] of the Union budget expenditures supporting climate objectives. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of the relevant evaluations and review processes.
- (30) This Regulation lays down a financial envelope for the period 2021-2027 which is to constitute the prime reference amount, within the meaning of Point 17 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, for the European Parliament and the Council during the annual budgetary procedure<sup>16</sup>.

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<sup>16</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016 (OJ L 123, 12.5.2016, p. 1).

- (31) The types of financing and the methods of implementation under this Regulation shall 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. For grants, this shall include consideration of the use of lump sums, flat rates and scales of unit costs.
- (32) Third countries which are members of the European Economic Area (EEA) may participate in the Programme in the framework of the cooperation established under the European Economic Area (EEA) agreement, which provides for the implementation of Union programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. This Regulation should grant the necessary rights for and access to the authorising officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert 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 to the Programme. Full participation entails, moreover, the obligation to set up a national agency and managing some of the actions of the Programme at decentralised level. Individuals and entities from third countries that are not associated to the Programme should be able to participate in some of the actions of the Programme, as defined in the work programme and the calls for proposals published by the Commission.
- (33) In order to maximise the impact of the European Solidarity Corps, provisions should be made to allow participating countries and other Union programmes to make additional funding available in accordance with the rules of the European Solidarity Corps.
- (34) Pursuant to [Article 88 of New Council Decision on association of OCTs]<sup>17</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.

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<sup>17</sup> [Pending reference on New Council Decision on association of OCTs].

- (35) In view of Article 349 of the Treaty on the Functioning of the European Union and in line with the Commission's communication on 'A stronger and renewed strategic partnership with the Union's outermost regions'<sup>18</sup>, the Programme should take into account the specific situation of these regions. Measures will be taken to increase the outermost regions' participation in all actions. Such measures will be monitored regularly and evaluated.
- (36) In compliance with the Financial Regulation, the Commission should adopt work programmes and inform the European Parliament and the Council thereof. The work programme 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 to them should be adopted by implementing acts in accordance with the examination procedure.
- (37) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. Such requirements should include specific, measurable and realistic indicators which can be measured over time as a basis for evaluating the effects of the Programme on the ground.
- (38) Appropriate outreach, publicity and dissemination of the opportunities and results of the actions supported by the Programme should be ensured at European, national and local level. Special attention should be paid to social enterprises encouraging them to support the European Solidarity Corps activities. The outreach, publicity and dissemination activities should rely on all the implementing bodies of the Programme, including, when relevant, with the support of other key stakeholders.

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<sup>18</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Investment bank on A stronger and renewed strategic partnership with the EU's outermost regions (COM(2017) 623 final).

- (39) 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, youth organisations and local stakeholders having expertise in solidarity actions.
- (40) 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 resources allocated to communication under this Regulation should also contribute to covering the corporate communication of the political priorities of the Union, provided that these are related to the general objective of this Regulation.
- (41) In order to ensure efficient and effective implementation of this Regulation, the Programme should make maximum use of existing 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 Chapter III of [New Erasmus Regulation], whereas actions referred to in Chapter IV of the Programme should be mainly managed directly. The Commission should regularly consult key stakeholders, including participating organisations, on the implementation of the European Solidarity Corps.
- (42) In order to ensure sound financial management and legal certainty in each participating country, each national authority should designate an independent audit body. Where feasible, and in order to maximise efficiency, the independent audit body could be the same as the one designated for the actions referred to in Chapter III of [New Erasmus Regulation].

- (43) Member States should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. This 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. In line with Directive (EU) 2016/801 of the European Parliament and of the Council<sup>19</sup>, Member States are encouraged to establish fast-track admission procedures.
- (44) The performance reporting system should ensure that data for monitoring programme implementation and evaluation are collected efficiently, effectively and in a timely manner, and at the appropriate level of granularity. Such data should be communicated to the Commission in a way that complies with relevant data protection rules.
- (45) 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>20</sup>.
- (46) In order to simplify requirements for beneficiaries, simplified grants in the form of lump-sums, unit-costs and flat-rate funding should be used to the maximum possible extent. The simplified grants to support the mobility actions of the Programme, as defined by the Commission, should take into account the living and subsistence costs of the host country. In accordance with national law, Member States should also be encouraged to exempt those grants from any taxes and social levies. The same exemption should apply to public or private entities awarding such financial support to the individuals concerned.

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<sup>19</sup> Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.5.2016, p. 21).

<sup>20</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).



- (47) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council, Council Regulation (Euratom, EC) No 2988/95<sup>21</sup>, Council Regulation (Euratom, EC) No 2185/96 and Council Regulation (EU) 2017/1939, the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities, including fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In order to review and/or complement the performance indicators of the Programme, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. 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 on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should 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.
- (48) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union<sup>22</sup>. 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, and to promote the application of Articles 21 and 23 of the Charter of Fundamental Rights of the European Union.

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<sup>21</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>22</sup> EU Charter of Fundamental Rights (OJ C 326, 26.10.2012, p. 391).

- (49) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. [Rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective Union funding.]
- (50) 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 of the Treaty on European Union. 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 those objectives.
- (51) [European Solidarity Corps Regulation] should be repealed with effect from 1 January 2021.
- (52) In order to ensure continuity in the funding support provided under the Programme, this Regulation should apply from 1 January 2021.

HAVE ADOPTED THIS REGULATION:

*CHAPTER I*

*GENERAL PROVISIONS*

*Article 1*

*Subject matter*

1. This Regulation establishes the European Solidarity Corps (the ‘Programme’) which sets up two strands of actions:

- (a) participation of young people in solidarity activities addressing societal challenges and
- (b) participation of young people in humanitarian aid related solidarity activities (European Voluntary Humanitarian Aid Corps).

2. This Regulation lays down the objectives of the Programme, the budget for the period 2021 – 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 temporary activity contributing to the achievement of the objectives of the European Solidarity Corps, which may take the form of volunteering, traineeships, jobs, solidarity projects and networking activities in various fields, including those referred to in paragraph 13, ensuring the European added value and compliance with health, safety and security regulations;
- (2) ‘*registered candidate*’ means an individual aged between 17 and 30 years, who is legally residing in a participating country, and who has registered in the European Solidarity Corps Portal to express the interest to engage in a solidarity activity but is not yet participating in such activity;

- (3) *'participant'* means an individual aged between 18 and 30 years, who is legally residing in a participating country, has registered in the European Solidarity Corps Portal and takes part in a solidarity activity under the European Solidarity Corps;
- (4) *'young people with fewer opportunities'* means young people facing some obstacles that prevent them from having effective access to opportunities under the Programme for economic, social, cultural, geographical or health reasons or for reasons such as disabilities and educational difficulties; or at risk of facing discrimination based on any of the grounds enshrined in Article 21 of the Charter of Fundamental Rights of the European Union;
- (5) *'participating organisation'* means any public or private entity, whether non-profit or profit making, local, regional, national or international, that has been attributed the European Solidarity Corps quality label;
- (6) *'volunteering'* means a solidarity activity taking place as voluntary unpaid activity for a period of up to 12 months;
- (7) *'traineeship'* means a solidarity activity for a period from two to six months, renewable once and for a maximum duration of 12 months, that is offered and paid by the participating organisation hosting the European Solidarity Corps participant;
- (8) *'job'* means a solidarity activity for a period from 3 to 12 months, paid by the participating organisation employing the European Solidarity Corps participant;
- (9) *'solidarity project'* means an unpaid solidarity activity for a period of up to 12 months, carried out by groups of at least five European Solidarity Corps participants, with a view to addressing key challenges within their communities while presenting a clear European added value;
- (10) *'quality label'* means the certification attributed to a participating organisation willing to provide solidarity activities under the European Solidarity Corps, in the role of a host and/or in a support function;

- (11) *‘European Solidarity Corps Resource Centres’* means the additional functions performed by designated national agencies to support the development, implementation and quality of activities under the European Solidarity Corps as well as the identification of the competences acquired by the participants through their solidarity activities;
- (12) *“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 European Solidarity Corps, complementing activities of participating organisations, including providing information about the European Solidarity Corps, registering participants, searching for participants, advertising and searching for solidarity activities, searching for potential project partners, supporting contact making and offers for solidarity activities, training, communication and networking activities, informing and notifying about opportunities, providing a feedback mechanism regarding the quality of solidarity activities as well as other relevant developments related to the European Solidarity Corps;
- (12) *‘Union transparency and recognition tools’* means instruments that help stakeholders to understand, appreciate and, as appropriate, recognise non-formal and informal learning outcomes throughout the Union. All participants will receive, after completion of their activities, a certification stating the learning outcomes of, and skills developed during their activities, such as Youthpass or Europass;
- (13) *‘humanitarian aid activity’* means an activity supporting post-crisis and long-term humanitarian aid operations in third countries intended to provide needs-based assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of exceptional occurrences linked with man-made crises or natural disasters, including 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, as well as actions aimed at reinforcing disaster preparedness and disaster risk reduction, linking relief, rehabilitation and development, and contributing towards strengthening resilience and capacity to cope with, and recover from crises;

- (14) *'third country'* means a country that is not member of the Union;
- (15) *'third country associated to the programme'* means a third country which is party to an agreement with the Union allowing for its participation in the Programme and which fulfils all the obligations laid down in this Regulation in relation to Member States;
- (16) *'third country not associated to the programme'* means a third country which does not participate fully in the Programme but whose legal entities may exceptionally benefit from the Programme in duly justified cases in the Union's interest.

### *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 as a means to contribute to strengthening cohesion, solidarity and democracy in the Union and abroad, addressing societal and humanitarian challenges on the ground, with particular effort to promote social inclusion.
2. The specific objective of the Programme is to provide young people, in particular those with fewer opportunities, with easily accessible opportunities for engagement in solidarity activities in Europe and abroad while improving and properly validating their competences as well as facilitating their employability and transition into the labour market.
3. The objectives of the Programme shall be implemented under the following strands of actions:
  - (a) participation of young people in solidarity activities addressing societal challenges, as referred to in Article 6;
  - (b) participation of young people in humanitarian aid related solidarity activities (European Voluntary Humanitarian Aid Corps) as referred to in Article 10.

## CHAPTER II

### ACTIONS OF THE EUROPEAN SOLIDARITY CORPS

#### Article 4

##### *Actions of the European Solidarity Corps*

1. The Programme shall pursue the objectives set out in Article 3 through the following types of actions:
  - (a) volunteering, as referred to in Articles 7 and 11;
  - (b) traineeships and jobs, as referred to in Article 8;
  - (c) solidarity projects, as referred to in Article 9;
  - (d) networking activities, as referred to in Article 5;
  - (e) quality and support measures, as referred to in Article 5.
  
2. The Programme shall support the solidarity activities which present a clear European added value, for example through:
  - (a) their transnational character, particularly with regard to learning mobility and cooperation;
  - (b) their ability to complement with other programmes and policies at local, regional, national, Union and international level;
  - (c) their European dimension regarding the topics, aims, approaches, expected outcomes and other aspects of these solidarity activities;
  - (d) their approach to involve young people from different backgrounds;
  - (e) their contribution to the effective use of Union transparency and recognition tools.

3. The 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, 9 and 11, as well as with applicable regulatory frameworks in participating countries.
4. References to the European Voluntary Service in the Union legislation shall be read as including volunteering activities under both Regulation 1288/2013 and this Regulation.

## *Article 5*

### *Actions common to both strands*

1. Networking activities, as referred to in Article 4.1, point (d), are in-country or cross-border activities and shall aim at:
  - (a) reinforcing the capacities of the participating organisations to offer good quality projects to an increasing number of European Solidarity Corps participants;
  - (b) attracting newcomers, both young people and participating organisations;
  - (c) providing opportunities to give feedback on solidarity activities; and
  - (d) contributing to exchange of experiences and strengthening the sense of belonging among the individuals and entities participating in the European Solidarity Corps and thus support its wider positive impact.
2. Quality and support measures, as referred to in Article 4.1, point (e), shall include:
  - (a) measures aimed at ensuring the quality and accessibility of volunteering, traineeships or jobs, including training, language support, complementary insurance, support before or after the solidarity activity as well as the further use of Youthpass that identifies and documents the competences acquired during the solidarity activities for participants, and capacity building and, administrative support for participating organisations;



- (b) the development and maintenance of a quality label for entities willing to provide solidarity activities for the European Solidarity Corps;
- (c) the activities of European Solidarity Corps Resource Centres to support and raise the quality of the implementation of the actions of the European Solidarity Corps and enhance the validation of their outcomes;
- (d) the establishment, maintenance and updating of the European Solidarity Corps Portal and other relevant online services as well as the necessary IT support systems and web-based tools.

### *CHAPTER III*

## *PARTICIPATION OF YOUNG PEOPLE IN SOLIDARITY ACTIVITIES ADDRESSING SOCIETAL CHALLENGES*

### *Article 6*

#### *Purpose and types of actions*

1. Actions implemented under the strand ‘Participation of young people in solidarity activities addressing societal challenges’ shall in particular contribute to strengthening cohesion, solidarity and democracy in the Union and abroad, while also responding to societal challenges with particular effort to promote social inclusion.
2. The strand shall support activities as referred to in Article 4.1, in points (a), (b), (c), (d) and (e) in the following ways:
  - (a) volunteering, as referred to in Article 7;
  - (b) traineeships and jobs, as referred to in Article 8;
  - (c) solidarity projects, as referred to in Article 9;

- (d) networking activities for individuals and organisations participating in this strand in accordance with Article 5;
- (e) quality and support measures in accordance with Article 5.

#### *Article 7*

##### *Volunteering in solidarity activities*

1. Volunteering as referred to in Article 4.1, point (a) shall include a learning and training component, shall not substitute traineeships or jobs, shall not be equated with employment and shall be based on a written volunteering agreement.
2. Volunteering may take place in a country other than the country of residence of the participant (cross-border) or in the country of residence of the participant (in-country).

#### *Article 8*

##### *Traineeships and jobs*

1. A traineeship as referred to in Article 4.1, point (b) shall be based on a written traineeship agreement in accordance with the applicable regulatory framework of the country where the traineeship takes place, as appropriate, and taking into account the principles of the Quality Framework for Traineeships (2014/C 88/01). Traineeships shall not substitute jobs.
2. A job as referred to in Article 4.1, point (b) shall be based on an employment contract in accordance with the national regulatory framework of the participating country where the job is being carried out. The financial support to participating organisations offering jobs shall not exceed 12 months in cases when the duration of the employment contract exceeds 12 months.
3. Traineeships and jobs shall include a learning and training component.
4. Traineeships and jobs may take place in a country other than the country of residence of the participant (cross-border) or in the country of residence of the participant (in-country).

## *Article 9*

### *Solidarity projects*

A solidarity project as referred to in Article 4.1, point (c) shall not substitute traineeships and/or jobs.

## *CHAPTER IV*

### *EUROPEAN VOLUNTARY HUMANITARIAN AID CORPS*

## *Article 10*

### *Purpose and types of actions*

1. Actions implemented under the strand ‘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 this Chapter shall be carried out in compliance with the humanitarian aid principles of humanity, neutrality, impartiality and independence.
3. The strand shall support activities as referred to in Article 4.1, in points (a), (d), and (e) in the following ways:
  - (a) volunteering, as referred to in Article 11;
  - (b) networking activities for individuals and organisations participating in this strand in accordance with Article 5;
  - (c) quality and support measures in accordance with Article 5 with particular focus on measures to ensure safety and security of participants.

## *Article 11*

### *Volunteering in support of humanitarian aid operations*

4. Volunteering in support of humanitarian aid operations as referred to in Article 4.1, point (a) shall include a learning and training component, shall not substitute traineeships or jobs and shall be based on a written volunteering agreement.
5. Volunteering under this strand may only take place in those regions of third countries:
  - (a) where humanitarian aid activities and operations take place; and
  - (b) where there are no ongoing international or non-international armed conflicts.

## *CHAPTER V*

### *FINANCIAL PROVISIONS*

## *Article 12*

### *Budget*

1. The financial envelope for the implementation of the Programme for the period 2021-2027 shall be [EUR 1 260 000 000 in current prices.]
- 1a. With a maximum of 20% for in-country activities the financial support to the actions referred to in points (a), (b) and (c) of Article 4.1 shall be
  - indicatively 86% for volunteering referred to in Article 7 and solidarity projects,
  - indicatively 8% for either traineeships or jobs, or both, and
  - a maximum of 6% for volunteering referred to in Article 11.
2. The amount referred to 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.

3. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.
4. [Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with [point (a) of Article 62.1] of the Financial Regulation or indirectly in accordance with [point (c) of that Article]. Where possible those resources shall be used for the benefit of the Member State concerned.]

### *Article 13*

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

1. The Programme shall be implemented in a consistent manner in direct management in accordance with the Financial Regulation and in indirect management with bodies referred to in Article [62.1, point (c)] of the Financial 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. The provisions laid down in [Article X of] Regulation XXX [*successor of the Regulation on the Guarantee Fund*] shall apply.
4. For selections under both direct and indirect management, the evaluation committee may be composed of external experts.

## CHAPTER VI

### PARTICIPATION IN THE EUROPEAN SOLIDARITY CORPS

#### Article 14

##### *Participating countries*

1. Volunteering, traineeships, jobs, solidarity projects, networking activities and quality and support measures as referred to in Articles 5, 7, 8, 9 and 11 shall be open to the participation of the Member States and overseas countries and territories.
2. Volunteering, networking activities and quality and support measures as referred to in Articles 5 and 7 shall also be open to the participation of:
  - (a) members of the European Free Trade Association, which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the European Economic Area agreement;
  - (b) acceding countries, candidates and potential candidates, 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 similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
  - (c) countries covered by the European Neighbourhood Policy, 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 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:

- ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
- lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of the Financial Regulation;
- does not confer to the third country a decisional power on the programme;
- guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.]

3. The countries referred to in paragraph 2 shall fully take part in the Programme only insofar as they fulfil all the obligations which this Regulation imposes on Member States.

4. Volunteering and networking actions as referred to in Articles 5 and 7 may be open to participation of any third country not associated to the programme, in particular neighbourhood countries.

## *Article 15*

### *Participation of individuals*

1. Young people aged 17 to 30 years willing to participate in the European Solidarity Corps shall register in the European Solidarity Corps Portal or shall get technical support to do so. However, at the moment of commencing volunteering, traineeship, job or a solidarity project a young person shall be at least 18 years of age and not older than 30.
2. When implementing this Regulation, the Commission, the Member States and other participating countries 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.

## *Article 16*

### *Participating organisations*

1. The European Solidarity Corps shall be open to the participation of public or private entities and international organisations, whether non-profit or profit-making, provided that they have received a European Solidarity Corps quality label.
2. An application from an entity to become a European Solidarity Corps participating organisation shall be assessed by the competent implementing body of the European Solidarity Corps on the basis of the principles of equal treatment; equal opportunities and non-discrimination; avoidance of job substitution; provision of high quality activities with learning dimension focusing on personal, socio-educational and professional development; adequate training, working and volunteering arrangements; safe and decent environment and conditions; and the 'no-profit principle' in compliance with the Financial Regulation. The above principles ascertain whether its activities meet the requirements of the European Solidarity Corps.



3. As a result of the assessment the entity may be attributed the European Solidarity Corps quality label. The obtained label shall be re-assessed periodically and may be revoked.
4. Any entity which has received the European Solidarity Corps quality label shall be given access to the European Solidarity Corps Portal in the role of a host function, in a support function, or both, and shall be able to make offers for solidarity activities to registered candidates.
5. The European Solidarity Corps quality label shall not automatically lead to funding under the European Solidarity Corps.
6. The solidarity activities and related quality and support measures offered by a participating organisation may receive funding under the European Solidarity Corps or from other funding sources which do not depend on the Union budget.
7. For organisations participating in the context of activities as referred to in Article 11 the safety and security of volunteers shall be a priority.

#### *Article 17*

##### *Access to the European Solidarity Corps funding*

Any public or private entity established in a participating country as well as international organisations may apply for funding under the European Solidarity Corps. In the case of the activities referred to in Articles 7, 8 and 11, a quality label shall be obtained by the participating organisation as a pre-condition for receiving funding under the European Solidarity Corps. In the case of the solidarity projects referred to Article 9, natural persons may also apply for funding on behalf of informal groups of European Solidarity Corps participants.

## CHAPTER VII

### PROGRAMMING, MONITORING AND EVALUATION

#### Article 18

##### *Work programme*

The Programme shall be implemented by work programmes referred to in [Article 110] of the Financial Regulation. In addition, the work programme 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 work programme shall be adopted by the Commission by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30.

#### Article 19

##### *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 effective assessment of the Programme towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts in accordance with Article 29 to amend the Annex to review or complement 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 Programme implementation and evaluation are collected efficiently, effectively, in a timely manner and at the appropriate level of detail by beneficiaries of Union funds within the meaning of Article [2.5] of the Financial Regulation. To that end, proportionate reporting requirements shall be imposed on beneficiaries of Union funds and Member States.

## *Article 20*

### *Evaluation*

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the programme implementation [, by 31 December 2024]. It shall also be accompanied by a final evaluation of the predecessor programme.
3. Without prejudice to the requirements set out in Chapter IX and the obligations of national agencies as referred to in Article 23, Member States shall submit to the Commission, by 30 April 2024, a report on the implementation and the impact of the Programme in their respective territories.
4. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation on the results and impact of the Programme shall be carried out by the Commission.
5. The Commission shall communicate the results of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

## CHAPTER VIII

### INFORMATION, COMMUNICATION AND DISSEMINATION

#### Article 21

##### *Information, communication and dissemination*

1. The recipients of Union funding shall acknowledge the origin 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, and its actions and results. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, as far as they are related to the objectives referred to in Article 3.
3. The national agencies shall develop a consistent strategy with regard to the effective outreach as well as dissemination and exploitation of results of activities supported under the actions they manage within the Programme, 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, and shall inform relevant target groups about the actions and activities undertaken in their country.

## CHAPTER IX

### MANAGEMENT AND AUDIT SYSTEM

#### Article 22

##### *National authority*

In each country participating in the European Solidarity Corps, the national authorities designated for the management of actions referred to in Chapter III of [New Erasmus Regulation] shall also act as national authorities in the framework of the European Solidarity Corps. Paragraphs 1, 2, 6, 7, 9, 10, 11, 12, 13 and 14 of Article 23 of [New Erasmus Regulation] shall apply to the European Solidarity Corps by analogy.

#### Article 23

##### *National agency*

1. In each country participating in the European Solidarity Corps, the national agencies designated for the management of the actions referred to in Chapter III of [New Erasmus Regulation] in their respective countries shall also act as national agencies in the framework of the European Solidarity Corps. Paragraphs 1, 2, 3, 4, 5, 6 and 7 of Article 24 of [New Erasmus Regulation] shall apply to the European Solidarity Corps by analogy.
2. Without prejudice to Article 24.2 of [New Erasmus Regulation], the national agency shall also be responsible for managing all stages of the project lifecycle of those actions of the European Solidarity Corps listed in the implementing acts referred to in Article 18, in accordance with points [(c)(v) and (vi) of Article 62.1] of the Financial Regulation.
3. For countries referred to in Article 14.2 of this Regulation, where a national agency is not designated for that country, it shall be established in accordance with paragraphs 1, 2, 3, 4, 5, 6 and 7 of Article 24 of [New Erasmus Regulation].

## *Article 24*

### *European Commission*

1. The rules applying to the relationship between the Commission and a national agency shall be laid down, in accordance with the rules in Article 24 of [New Erasmus Regulation], in a written document which shall:
  - (a) lay down 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;
  - (c) specify the reporting requirements for the national agency.
2. The Commission shall each year make the following funds available to the national agency:
  - (a) funds for grant support in the participating country concerned for the actions of the European Solidarity Corps the management of which is entrusted to the national agency;
  - (b) a financial contribution in support of the management tasks of the national agency defined in accordance with the modalities set out in point (b) of Article 25.3 of [New Erasmus Regulation].
3. The Commission shall lay down the requirements for the national agency work programme. The Commission shall not make European Solidarity Corps 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 23.3 of [New Erasmus Regulation], the Commission shall review the national management and control systems, the national agency's 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 European Solidarity Corps.
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.
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 Article [60(4)] of the Financial Regulation.

## *Article 25*

### *Audits*

1. Audits on the use of the Union contribution carried out by persons or entities, including by others than those mandated by the Union Institutions or bodies, shall form the basis of the overall assurance pursuant to [Article 127] of the Financial Regulation.
2. The national authority shall designate an independent audit body. The independent audit body shall issue an audit opinion on the management declaration referred to in [Article 155.1] of the Financial Regulation.
3. 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 referred to in Article 23 forms part and be independent, in terms of its functions, of the legal entity of which the national agency forms part.
4. The independent audit body shall give the Commission and its representatives, as well as 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 management declaration.



## *CHAPTER X*

### *CONTROL SYSTEM*

#### *Article 26*

##### *Principles of the control system*

1. The Commission shall be responsible for the supervisory controls with regard to the European Solidarity Corps 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 actions of the European Solidarity Corps which are entrusted to them. Those controls shall give reasonable assurance that the grants awarded are used as intended and in compliance with the applicable Union rules.
3. With regard to the 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 provision shall not apply to investigations carried out by the European Anti-Fraud Office ('OLAF').

## *Article 27*

### *Protection of the financial interests of the Union*

[Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert 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, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).]

## *CHAPTER XI*

### *COMPLEMENTARITY*

## *Article 28*

### *Complementarity of Union action*

1. The actions of the European Solidarity Corps 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 European Solidarity Corps.
2. The actions of the European Solidarity Corps shall also not substitute but be consistent with and complementary to the relevant policies, programmes and instruments at national level in the participating countries. 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 European Solidarity Corps, on the other hand, with a view to build on relevant good practices and achieve efficiency and effectiveness.

3. The actions of the European Solidarity Corps in third countries referred to in Article 11 shall be in particular 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 from the Programme may also receive a contribution from any other Union programme, provided that the contributions do not cover the same costs. The rules of each contributing Union programme shall apply to its respective contribution to the action. The cumulative funding shall not exceed the total eligible costs of the action and 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. [Where the Programme and the European Structural and Investment (ESI) Funds referred to in Article 1 of [Regulation (EU)XX CPR] provide jointly financial support to a single action, that action shall be implemented in accordance with the rules set out in this Regulation, including rules on recovery of amounts unduly paid.]
6. [Actions eligible under the Programme which have been assessed in a call for proposals under the Programme and which comply with the minimum quality requirements of that call for proposals, but which are not financed due to budgetary constraints, may receive support from the European Regional Development Fund, the Cohesion Fund, the European Social Fund+ or the European Agricultural Fund for Rural Development, in accordance with paragraph 7 of Article [65] of Regulation (EU) XX [Common Provisions Regulation] and Article [8] or Regulation (EU) XX [Financing, management and monitoring of the Common Agricultural Policy], provided that such actions are consistent with the objectives of the programme concerned. The rules of the Fund providing support shall apply.]

## CHAPTER XII

### TRANSITIONAL AND FINAL PROVISIONS

#### Article 29

##### *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 19 shall be conferred on the Commission for the duration of the Programme.
3. The delegation of power referred to in Article 19 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 on Better Law-Making of 13 April 2016.
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 19 shall enter into force only if no objection has been expressed either by the European Parliament or 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 30*

### *Committee procedure*

1. The Commission shall be assisted by 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 31*

### *Repeal*

Regulation (EU) [European Solidarity Corps Regulation] and Regulation (EU) No 375/2014 are repealed with effect from 1 January 2021.

## *Article 32*

### *Transitional provisions*

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under [European Solidarity Corps Regulation] or under Regulation (EU) No 375/2014. Those Regulations shall continue to apply to those actions until their closure.
2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under [European Solidarity Corps Regulation] or under Regulation (EU) No 375/2014.
3. If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 12.2, to enable the management of actions and activities not completed by 31 December 2027.

4. Member States shall ensure at national level the unimpeded transition between the actions carried out in the context of the European Solidarity Corps Programme (2018-2020) and those to be implemented under this Programme.

*Article 33*

*Entry into force*

This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

*For the European Parliament*

*For the Council*

The President

The President

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Indicators for monitoring and reporting:

- (a) number of participants in solidarity activities;
  - (b) percentage of participants from a fewer opportunities background; and
  - (c) number of organisations holding a European Solidarity Corps Quality Label.
-