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NOTE

From:	Presidency
To:	Permanent Representatives Committee
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing establishing the Rights and Values programme for the period 2021-2027 - Partial mandate for negotiations with the European Parliament

I. INTRODUCTION

1. On 30 May 2018 the Commission adopted the Proposal for a Regulation of the European Parliament and of the Council establishing the Rights and Values programme for the period 2021-2027¹. It is one of the proposals related to the Multiannual Financial Framework (hereinafter: MFF), part of the Justice, Rights and Values Fund' fund.

¹ Doc. 9605/18 + ADD 1; 9605/1/18 REV 1

2. The Rights and Values Programme aims at protecting and promoting rights and values enshrined in the EU Treaties in order to sustain open, democratic and inclusive societies. It has three specific objectives: (i) to promote equality and rights (gender equality, anti-discrimination, rights of children), (ii) to promote citizens engagement and participation in the democratic life of the Union (Citizens' engagement and participation strand) and (iii) to fight violence, notably against children and women (Daphne strand). As part of the new Justice, Rights and Values Fund (947 million EUR), the Commission proposes to allocate 642 million EUR for the Rights and Values Programme (which is roughly equivalent to the previous period budget allocation).
3. In the European Parliament, Civil Liberties, Justice and Home Affairs (LIBE) is the lead committee and Ms Bodil VALERO, Group of the Greens/European Free Alliance has been appointed as the rapporteur for the file. The draft report was voted at committee level on 10 December 2018.
4. The European Economic and Social Committee adopted its opinion on 18 October 2018.

II. WORK WITHIN THE COUNCIL

5. The Commission presented the proposal and its impact assessment to the Ad Hoc Working Party on JHA Financial instruments in September 2018.
6. The examination of the proposal started in October 2018 and since then the proposal has been intensively discussed in a number of meetings, on the basis of several Presidency compromise texts². Delegations broadly welcomed the Commission's proposal but raised a number of questions and requested further details, clarifications and concerns which were subsequently addressed by the Presidency compromise texts.

² Docs, 13607/18 + REV1 + REV2

7. Based on the progress achieved at Working Party level and following the written consultation after the last Working Party meeting on 5 December 2018, the Presidency noted that there is sufficient support for the text as annexed to this note. Therefore, the Presidency will propose to adopt a partial general approach at the COREPER meeting on 19 December 2018.
8. The text of the partial general approach is included in the Annex to this note. Since the proposed Regulation is one of the package of proposals linked to the MFF, all provisions with budgetary implications or of horizontal nature have been set aside pending further progress on the MFF. These provisions, which appear in square brackets, are the following:
 - Article 6(1) and amounts mentioned in Article 6(2) relating to the budget;
 - Article 7 and recital 26 relating to third countries associated to the Programme;
 - Article 8(3) relating to contributions to a mutual insurance mechanism;
 - (Partly) Article 11(1) relating to the cumulative financing;
 - Article 17 and recital 25 relating to the protection of the financial interests of the Union
 - Recital 27 relating to horizontal financial rules adopted on the basis of Article 322 of the Treaty on the Functioning of the European Union and the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States;
 - Recital 29 relating to climate-related spending targets.

III. CONCLUSION

9. In the light of the above, the Presidency considers that the current text is a solid and balanced basis for reaching a partial mandate for negotiations with the European Parliament. The Coreper is therefore invited to adopt the partial negotiation mandate at its meeting of 19 December 2018.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Citizens, Rights and Values programme

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 Article 16(2), Article 19(2), Article 21(2), Article 24, Article 167, and Article 168 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,¹

Having regard to the opinion of the Committee of the Regions,²

Acting in accordance with the ordinary legislative procedure,

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

Whereas:

- (1) In accordance with Article 2 of the Treaty of the European Union, ‘the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’. Article 3 further specifies that the ‘Union’s aim is to promote peace, its values and the well-being of its people and, among others, ‘it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced’. Those values are further reaffirmed and articulated in the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union.
- (2) Those rights and values must continue to be promoted and enforced and shared among the citizens and peoples and be at the heart of the EU project. Therefore, a new Justice, Rights and Values Fund, comprising the Citizens, Rights and Values and the Justice programmes shall be created in the EU budget. At a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As part of the new Fund, the Justice Programme will continue to support the further development of Union area of justice and cross-border cooperation. The Citizens, Rights and Values Programme will bring together the 2014-2020 Programme Rights, Equality and Citizenship established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council¹ and the Europe for Citizens programme established by Council Regulation (EU) No 390/2014², (hereafter 'the predecessor Programmes').

¹ Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

² Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the ‘Europe for Citizens’ programme for the period 2014-2020 (OJ L 115, 17.4.2014, p.3)

- (3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus primarily on persons and entities, which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain a rights-based, equal, inclusive, open, pluralist and democratic society. That includes a vibrant civil society, encouraging democratic, civic and social participation and fostering the rich diversity of European society, based on our common history and memory. Article 11 of the Treaty of the European Union further specifies that the institutions of the Union shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
- (4) The Citizens, Rights and Values programme (the 'Programme') should allow developing synergies to tackle the challenges that are common to the promotion and protection of our common values and to reach a critical dimension to have concrete results in the field. That should be achieved by building on the positive experience of the predecessor Programmes. This will enable to fully exploit the potential of synergies, to more effectively support the policy areas covered and to increase their potential to reach persons and civil society. To be effective, the Programme should take into account the specific nature of the different policies, their different target groups and their particular needs through tailor-made approaches.
- (5) In order to bring the European Union closer to its citizens, a variety of actions and coordinated efforts are necessary. Bringing together citizens in town-twinning projects or networks of towns and supporting civil society organisations in the areas covered by the programme will contribute to increase citizens' engagement in society and ultimately their involvement in the democratic life of the Union. At the same time supporting activities promoting mutual understanding, diversity, dialogue and respect for others fosters a sense of belonging and a European identity, based on a shared understanding of our common European values, culture, history and heritage. The promotion of a greater sense of belonging to the Union and of Union values is particularly important amongst citizens of the EU outermost regions due to their remoteness and distance from continental Europe.

- (6) Remembrance activities and critical reflection on Europe's historical memory are necessary to make citizens aware of the common history, as the foundation for shared values and a common future. Remembrance activities should reflect on the causes of totalitarian regimes in Europe's modern history – in particular Nazism which led to the Holocaust, Fascism, Stalinism and totalitarian communist regimes – and commemorate the victims of their crimes. They should as well encompass activities concerning other defining moments and reference points in recent European history. The relevance of historical, cultural and intercultural aspects should also be taken into account, as well as the links between remembrance and the creation of a European identity and sense of belonging together.
- (7) Citizens should also be more aware of their rights deriving from citizenship of the Union, and should feel at ease about living, travelling, studying, working and volunteering in another Member State, and should feel able to enjoy and exercise all their citizenship rights, place their trust in equal access, full enforceability and protection of their rights without any discrimination, no matter where in the Union they happen to be. Civil society, needs to be supported for the promotion, safeguarding and raising awareness of common European values under Article 2 TEU and in contributing to the effective enjoyment of rights under Union law. European Citizenship and European identity should be developed and advanced by encouraging citizens' understanding of the policymaking process and by promoting civic engagement in the actions of the Union.

- (8) Gender equality is a fundamental value and an objective of the European Union. Discrimination against and unequal treatment of women violates their fundamental rights and prevents their full political, social and economic participation in society. In addition, the existence of structural and cultural barriers hinders the achievement of real gender equality. The promotion of gender equality and gender mainstreaming, in all activities of the Union is therefore a core task for the Union and a driver for economic growth and social development, and should be supported by the programme. Particular focus should be put on work-life balance and on equal sharing of unpaid household and care work for children, the elderly and other dependants, between men and women which remain pillars to the equal economic independence and are intrinsically related to the achievement of equality between women and men.
- (9) Gender-based violence and violence against women, children, young persons and persons with disabilities constitute a serious violation of fundamental rights. Violence persists throughout the Union, in all social and economic contexts, and has serious repercussions on victims' physical and psychological health and on society as a whole. Women, children, young persons, persons with disabilities and particularly affected groups including gay, lesbian, bisexual, transgender and intersex persons) are at risk of being subjected to violence, particularly in family and intimate relationships. Action should be taken to promote their rights, in particular, rights of; children (including children orphans, children orphaned of domestic crimes and other particularly vulnerable groups of children) – and to contribute to their protection from harm and all forms of violence, which pose a danger to their physical and mental health, and constitute a breach of their rights to development, protection and dignity. Combatting violence against women, who are among the most significantly affected persons of violence and harassment in both the domestic and public sphere, is a key action in promoting gender equality. Combating all forms of violence, promoting prevention and protecting and supporting victims, are priorities of the Union which help fulfil individuals' fundamental rights and contribute to gender equality. Those priorities should be supported by the Programme.

- (10) Strong political will and coordinated action based on the methods and results of the previous Daphne Programmes, the Rights, Equality and Citizenship Programme and the Justice Programme are necessary in order to prevent and combat all forms of violence and to protect victims. In particular, since its launch in 1997, the Daphne funding to support victims of violence and combat the violence against women, children and young persons has been a genuine success, both in terms of its popularity with stakeholders (public authorities, academic institutions and non-governmental organisations) and in terms of the effectiveness of the funded projects. It has funded projects to raise awareness, to provide support services to victims, to support the activities of civil society organisations working on the ground. It has addressed all forms of violence, such as for instance domestic violence, sexual violence, trafficking in human beings, as well as new emerging forms of violence such as digital violence. It is therefore important to continue all these actions and that those results and lessons learned are taken into due consideration in the implementation of the Programme.

- (11) Non-discrimination is a fundamental principle of the Union. Article 19 of the Treaty on the Functioning of the European Union provides for action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Non-discrimination is also enshrined in Article 21 of the Charter. The specific features of the diverse forms of discrimination should be taken into account and appropriate action should be developed in parallel to prevent and combat discrimination on one or more grounds. The Programme should support actions to prevent and combat all forms of discrimination, racism, xenophobia, anti-semitism, anti-muslim hatred and other forms of intolerance including homophobia, biphobia, transphobia and interphobia and other forms of intolerance based on gender identity. In that context, particular attention should also be devoted to preventing and combating all forms of violence, hatred, segregation and stigmatisation, as well as combating bullying, harassment and intolerant treatment, including online. The Programme should be implemented in a mutually reinforcing manner with other Union activities that have the same objectives, in particular with those referred to in the Commission Communication of 5 April 2011 entitled ‘An EU Framework for National Roma Integration Strategies up to 2020¹’ and in the Council Recommendation of 09 December 2013 on effective Roma integration measures in the Member States².
- (12) Social and environmental barriers as well as lack of accessibility hinder the full and effective participation of persons with disabilities in society, on an equal basis with others. Persons with disabilities face barriers to, among other things, access the labour market, benefit from an inclusive and quality education, avoid poverty and social exclusion, enjoy access to cultural initiatives and media, or use their political rights. As a party to the United Nations Convention on the Rights of Persons with Disabilities (the UNCRPD), the Union and all its Member States have committed to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The provisions of the UNCRPD have become an integral part of the Union legal order.

¹ COM(2011)173.

² OJ C 378, 24.12.2013, p. 1.

- (13) The right to respect for one's private and family life, home and communications (right to privacy) is a fundamental right enshrined in Article 7 of the Charter of Fundamental Rights. The protection of personal data is a fundamental right enshrined in Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union. Compliance with the rules for the protection of personal data is subject to the control by independent supervisory authorities. The Unions' legal framework, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and Directive (EU) 2016/680 of the European Parliament and of the Council² lay down provisions to ensure that the right to protection of personal data is effectively protected. These legal instruments entrust the national data protection supervisory authorities with the task of promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to the processing of personal data. The Union should be able to conduct awareness-raising activities, carry out studies and other relevant activities given the importance of the right to the protection of personal data in times of rapid technological developments.
- (14) Article 24 TFEU obliges the European Parliament and the Council to adopt provisions for the procedures and conditions required for a citizen's initiative within the meaning of Article 11 of the Treaty on European Union. This has been done by adopting Regulation [(EU) No 211/2011 of the European Parliament and of the Council³]. The Programme should support the financing of technical and organisational support to implement Regulation [(EU) No 211/2011], thereby underpinning the exercise by citizens of the right to launch and support European citizens' initiatives.

¹ OJ L 119, 4.5.2016, p. 1-88.

² OJ L 119, 4.5.2016, p. 89-131.

³ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1).

- (15) Pursuant to Articles 8 and 10 TFEU, the Programme in all its activities should support gender mainstreaming and the mainstreaming of non-discrimination objectives.
- (16) Article 3(3) TEU requires the Union to promote the protection of the rights of the child, in line with Article 24 of the Charter and the United Nations Convention on the Rights of the Child.

(17) In accordance with Union acts on equal treatment, Member States set up independent bodies for the promotion of equal treatment, commonly known as "equality bodies", in order to combat discrimination based on race and ethnic origin as well as gender. However, many Member States have gone beyond these requirements and ensured that equality bodies can also deal with discrimination based on the other grounds such as age, sex characteristics, gender identity and gender diversity, sexual orientation, religion and belief, disability or other grounds. Equality bodies play a key role in promoting equality and ensuring effective application of equal treatment legislation by providing in particular an independent assistance to victims of discrimination, conducting independent surveys concerning discrimination, publishing independent reports and making recommendations on any issue relating to discrimination in their country. It is essential that the work of equality bodies is coordinated at Union level in this respect. EQUINET was created in 2007. Its members are the national bodies for the promotion of equal treatment as established by Council Directives 2000/43/EC¹ and 2004/113/EC², and by Directives 2006/54/EC³ and 2010/41/EU⁴ of the European Parliament and of the Council. EQUINET is in an exceptional situation, being the only entity which ensures coordination of activities between equality bodies. This coordination activity by EQUINET is key for the good implementation of Union anti-discrimination law in Member States and should be supported by the Programme.

¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

² Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

³ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

⁴ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

- (18) Independent human rights bodies and civil society organisations play an essential role in promoting, safeguarding and raising awareness of the Union’s common values under Article 2 TEU, and in contributing to the effective enjoyment of rights under Union law, including the Charter of Fundamental Rights of the EU. As reflected in the European Parliament Resolution of 18 April 2018, adequate financial support is key to the development of a conducive and sustainable environment for civil society organisations to strengthen their role and perform their functions independently and effectively. Complementing efforts at national level, EU funding should therefore contribute to support, empower and build the capacity of independent civil society organisations active in the promotion of human rights whose activities help the strategic enforcement of rights under EU law and the Charter of Fundamental Rights of the EU, including through advocacy and watchdog activities, as well as to promote, safeguard and raise awareness of the Union’s common values at national level.
- (19) The Commission should ensure overall consistency, complementarity and synergies with the work of Union bodies, offices and agencies, in particular the European Institute for Gender Equality and the European Union Agency for Fundamental Rights, and should take stock of the work of other national and international actors in the areas covered by the Programme.
- (20) The Programme should be open, subject to certain conditions, to the participation of European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA) and EFTA members which are not members of the EEA and other European countries. Acceding countries, candidate countries and potential candidate countries benefiting from a pre-accession strategy should also be able to participate in the Programme.

- (21) In order to ensure efficient allocation of funds from the general budget of the Union, it is necessary to ensure the European added value of all actions carried out, their complementarity to Member States' actions, while consistency, complementarity and synergies should be sought with funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund — and thus with the Justice Programme — as well as with Creative Europe programme, and Erasmus to realise the potential of cultural crossovers in the fields of culture, media, arts, education and creativity. It is necessary to create synergies with other European funding programmes, in particular in the fields of employment, internal market, enterprise, youth, health, citizenship, justice, migration, security, research, innovation, technology, industry, cohesion, tourism, external relations, trade and sustainable development.
- (22) This Regulation lays down a financial envelope for the Citizens, Rights and Values programme which is to constitute the prime reference amount, within the meaning of [*reference to be updated as appropriate according to the new inter-institutional agreement*: point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management¹], for the European Parliament and the Council during the annual budgetary procedure.
- (23) Regulation (EU, Euratom) No [the new FR] (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.

¹ [*Reference to be updated*: OJ C 373, 20.12.2013, p. 1. The agreement is available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC].

- (24) 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. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation.

(25) [In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹ Council Regulation (Euratom, EC) No 2988/95² Council Regulation (Euratom, EC) No 2185/96³ and Council Regulation (EU) 2017/1939⁴ the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom) No 883/2013 and Regulation (Euratom, EC) No 2185/96 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 Regulation (EU) 2017/1939, 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 Council⁵. 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.]

¹ 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 L248, 18.9.2013, p. 1.

² 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).

³ 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 L292.15.11.96,, p.2).

⁴ 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 L283, 31.10.2017,, p.1).

⁵ 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).

- (26) [Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.]
- (27) [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 TFEU 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 EU funding.]
- (28) Pursuant to [*reference to be updated as appropriate according to a new decision on OCTs: Article 94 of Council Decision 2013/755/EU¹*], persons and entities established in overseas countries and territories (OCTs) 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.

¹ 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).

- (29) [Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Programme will contribute to mainstream climate action and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of its mid-term evaluation.]
- (30) Pursuant to paragraph 22 and 23 of the Inter-institutional 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. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.
- (31) In order to ensure uniform conditions for the implementation of this Regulation, 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 in respect of indicators as indicated in Article 14 and 16 and Annex II. It is of particular importance that the Commission carry 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 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.

- (32) 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 Council¹.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1 *Subject matter*

This Regulation establishes the Citizens, Rights and Values programme ('Programme').

It 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.

¹ 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 the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

Article 2
Programme objectives

1. The general objective of the Programme is to protect and promote rights and values as enshrined in the EU Treaties, the Charter and in the international human rights conventions to which the Union has acceded including by supporting civil society organisations, in order to sustain open, democratic and inclusive societies.

Within the general objective set out in paragraph 1, the programme has the following specific objectives which correspond to strands:

- (a) to promote equality and rights (Equality and rights strand),
- (b) to promote citizens engagement and participation in the democratic life of the Union; and to raise awareness of the European history (Citizens' engagement and participation strand),
- (c) to fight violence (Daphne strand).

Article 3
Equality and rights strand

Within the specific objective set out in point (a) of Article 2(2), the Programme shall focus on:

- (a) preventing and combating inequalities and discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

- (b) supporting and advancing comprehensive policies
- to promote gender equality and gender mainstreaming including work-life-balance;
 - to promote non-discrimination and its mainstreaming;
 - to combat racism, xenophobia and all forms of intolerance including homophobia, biphobia, transphobia and interphobia and intolerance on the basis of gender identity;
 - to protect and promote the rights of the child;
 - to protect and promote the rights of persons with disabilities;
- (c) protecting and promoting Union citizenship rights and the right to the protection of personal data.

Article 4
Citizens engagement and participation strand

Within the specific objective set out in point (b) of Article 2(2), the Programme shall focus on:

- (a) increasing citizens' understanding of the Union, its history, cultural heritage and diversity, including tolerance and democracy by reflecting, as well as by remembering and commemorating the causes and consequences of authoritarian and totalitarian regimes, and other defining moments in modern European history;

- (b) promoting exchange and cooperation between citizens of different countries; to promote citizens' civic and democratic participation allowing citizens and representative associations to make known and publicly exchange their views in all areas of Union action.

Article 5
Daphne strand

Within the specific objective set out in point (c) of Article 2(2), the Programme shall focus on:

- (a) preventing and combating all forms of violence against women, children, young persons, as well as violence against particularly affected groups including persons with disabilities as well as gay, lesbian, bisexual, transgender and intersex persons;
- (b) supporting and protecting all direct and indirect victims of such violence, including domestic violence exerted within the family or violence in intimate relationships, including children orphaned by domestic crimes.

Article 6
Budget

1. [The financial envelope for the implementation of the Programme for the period 2021 – 2027 shall be EUR [641 705 000] in current prices.]

2. [Within the amount referred to in paragraph 1 the following indicative amount shall be allocated to the following objective:
 - (a) EUR [408.705.000] for the specific objectives referred to in article 2(2)(a) and 2(2)(c);
 - (b) EUR [233.000.000] for the specific objective referred to in Article 2(2)(b);
3. The amount referred to in paragraph 1 may be allocated 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, studies, meetings of experts, communications on priorities and areas related to the general objectives of the programme.
4. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible under the present Regulation as from 1 January 2021.
5. 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 Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Where possible those resources shall be used for the benefit of the Member State concerned.

Article 7
Third countries associated to the Programme

1. The Programme shall be open to the following countries provided that the conditions are met:
 - (a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;

- (b) acceding countries, candidate and potential candidate, 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 new 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.]

Article 8
Implementation and forms of EU funding

1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 61(2)(c) of the Financial Regulation.
2. The Programme may provide funding in any of the forms laid down in the Financial Regulation.
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].

Article 9
Type of actions

Actions contributing to the achievement of a specific objective specified in Article 2 may receive funding under this Regulation. In particular, activities listed in Annex I shall be eligible for funding.

CHAPTER II

GRANTS

Article 10 Grants

1. Grants under the Programme shall be awarded and managed in accordance with Title VIII of the Financial Regulation.
2. The evaluation committee may be composed of external experts.

Article 11 Cumulative [, complementary] and combined funding

1. An action that has received a contribution under the Programme may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. [The cumulative financing shall not exceed the total eligible costs of the action and the support from different Union programmes may be calculated on a pro-rata basis].
2. Where the Programme and the Funds under shared management 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.
3. Actions eligible under the Programme and complying with the conditions referred to in the second subparagraph may be identified with the aim to be funded by the Funds under shared management. In this case the co-financing rates and the eligibility rules provided for in this Regulation shall apply.

The actions referred to in the first subparagraph shall comply 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;
- (c) they may not be financed under that call for proposals due to budgetary constraints.

The actions shall be implemented by the managing authority referred to in Article [65] of Regulation (EU)[XX] [CPR] in accordance with the rules set out in that Regulation and fund specific regulations, including rules on financial corrections.

Article 12
Eligible entities

1. The eligibility criteria set out in paragraphs 2 and 3 shall apply in addition to the criteria set out in [Article 197] of the Financial Regulation.
2. The following entities are eligible:
 - (a) legal entities established in any of the following countries:
 - a Member State or an overseas country or territory linked to it;
 - a third country associated to the Programme;
 - (b) any legal entity created under Union law or any international organisation;
3. An operating grant may be awarded without a call for proposals to The European Network of Equality Bodies (EQUINET) to cover expenditure associated to its permanent work programme.

CHAPTER III

PROGRAMMING, MONITORING, EVALUATION AND CONTROL

Article 13 *Work programme*

1. The Programme shall be implemented by work programmes referred to in Article 110 of Financial Regulation.
2. The work programme shall be adopted by the Commission by means of an implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 19.

Article 14 *Monitoring and reporting*

1. Indicators to report on progress of the Programme towards the achievement of the specific objectives set out in Article 2 are set out in Annex II.
2. To ensure effective assessment of progress of the Programme towards the achievement of its objectives, the Commission shall be empowered to adopt delegated acts, in accordance with Article 16, to develop the provisions for a monitoring and evaluation framework, including through amendments to Annex II to review and complement the indicators where necessary.
3. The performance reporting system shall ensure that data for monitoring programme implementation and results are collected efficiently, effectively, and in a timely manner. To that end, proportionate reporting requirements shall be imposed on recipients of Union funds and Member States.

Article 15
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. The mid-term evaluation shall take into account the results of the evaluations of the long-term impact of the predecessor programmes (Rights Equality and Citizenship and Europe for Citizens).
3. 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 of the Programme shall be carried out by the Commission.
4. The Commission shall communicate the conclusions 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.

Article 16
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 14 shall be conferred on the Commission until 31 December 2027.
3. The delegation of power referred to in Article 14 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 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 14 shall enter into force 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 17
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 IV
TRANSITIONAL AND FINAL PROVISIONS

Article 18
Information, communication and publicity

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 2.

Article 19
National contact points

Every member state may establish a national contact point with an independent mandate, in charge of providing orientation, practical information and assistance to the stakeholders and beneficiaries of the programme with respect to all the aspects of the programme, including in relation to the procedure of application and its drafting, dissemination of documentation and programme results, inquiries for partners, training and other formalities.

Article 20
Committee procedure

1. The Commission shall be assisted by a committee. This 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.
3. The committee may meet in specific configurations to deal with the individual strands of the Programme.

Article 21
Repeal

Regulation (EU) No 1381/2013 and Regulation (EU) No 390/2014 are repealed with effect from 1 January 2021.

Article 22
Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulations (EU) No 1381/2013 and (EU) No 390/2014, which shall continue to apply to the actions concerned 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 its predecessor programmes established by Regulations (EU) No 1381/2013 and (EU) No 390/2014.

3. If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 6(3), to enable the management of actions not completed by 31 December 2027.

Article 23
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
The President

For the Council
The President

ANNEX I

Activities of the Programme

1. The specific objectives of the Programme referred to in Article 2(2) will be pursued in particular through support to the following activities:
 - (a) awareness raising, dissemination of information to improve the knowledge of the policies and rights in the areas covered by the Programme;
 - (b) mutual learning through exchange of good practices among stakeholders to improve knowledge and mutual understanding and civic and democratic engagement;
 - (c) analytical and monitoring activities²⁴ to improve the understanding of the situation in the Member States and at EU level in the areas covered by the Programme as well as to improve the implementation of EU law and policies ;
 - (d) training relevant stakeholders to improve their knowledge of the policies and rights in the fields covered;
 - (e) supporting non-governmental and non-profit stakeholders active in the areas of the Programme to increase their capacity to react and to ensure adequate access for all citizens to their counselling and support activities;
 - (f) information and Communication Technology (ICT) tools development and maintenance;
 - (g) strengthening citizen's awareness of European culture, history and remembrance, including with regard to totalitarian and authoritarian systems (in particular Nazism which led to the Holocaust, Fascism, Stalinism and totalitarian communist regimes) and other defining moments and reference points in recent European history; strengthening citizen's sense of belonging to the Union to encourage tolerance, mutual understanding, intercultural dialogue;
 - (h) bringing together Europeans of different nationalities and cultures by giving them the opportunity to participate in town-twinning activities;
 - (i) encouraging and facilitating active participation in the construction of a more democratic Union as well as awareness of rights and values through support to civil society organisations;

²⁴ These activities include for instance the collection of data and statistics; the development of common methodologies and, where appropriate, indicators or benchmarks; studies, researches, analyses and surveys; evaluations; impact assessment; the elaboration and publication of guides, reports and educational material.

- (j) financing the technical and organisational support to implement Regulation [(EU)No 211/2011], thereby underpinning the exercise by citizens of the right to launch and support European citizens' initiatives;
- (k) developing the capacity of European networks to promote and further develop Union law, policy goals and strategies as well as supporting civil society organisations active in the areas covered by the Programme;
- (l) enhancing knowledge of the programme and dissemination and transferability of its results and fostering citizen outreach, including by setting up and supporting programme desks/national contact points.

ANNEX II

Indicators

The Programme will be monitored on the basis of a set of indicators intended to measure the extent to which the general and specific objectives of the Programme have been achieved and with a view to minimising administrative burdens and costs. To that end, data will be collected as regards the following set of key indicators:

Number of people reached by: (i) training activities; (ii) mutual learning and exchange of good practices activities; (iii) awareness raising, information and dissemination activities.
Number of civil society organisations reached by support and capacity building activities
Number of transnational networks and initiatives focusing on European memory and heritage as a result of programme intervention

All individual data shall be broken down by sex whenever possible.