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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. prev. doc.:	13355/20
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 - Presidency debriefing on the outcome of the trilogue - Analysis of the final compromise text with a view to agreement

Outcome of the Trilogue on 11 December 2020: overall agreement on the ESC Regulation

1. The European Parliament, the Council and the Commission reached an overall agreement on the ESC Regulation 2021-2027 at the fourth and final informal Trilogue on the European Solidarity Corps (ESC) Regulation 2021-2027 held on 11 December 2020. Delegations will find attached a consolidated text reflecting the final compromise reached on this file.

2. The outstanding issues discussed and settled at the Trilogue on 11 December 2020 were mainly related to the humanitarian aid (HA) strand:

a) Age limit for HA volunteers (Article 11(3) and Recital 27a)

The final compromise deal maintains the general rule of age limits of 18-30 years for all volunteers, with a specific derogation for HA volunteers (upper age limit up to 35 years old). While the EP initially insisted on no age limit for HA volunteers, in the end they accepted to drop this request in exchange for enhancing the provisions related to experienced coaches, mentors and experts (Recital 13a and Article 11(1)(a)).

It is important to note that while there is no age limit for such coaches, mentors and experts, these are not considered as 'participants' in the sense of Article 2(3) of the Regulation, but as part of the 'learning and training component' for HA volunteering as set out in Article 11(1)

b) Budget and breakdown for the Programme (Article 12)

As part of the deal on the upper age limit for HA volunteers, the Council accepted to change "a maximum of" by "indicatively" as regards the 6% for HA volunteering. The agreement on the financial envelope for the implementation of the Programme for the period 2021-2027 (1009 million €) was confirmed, as well as the maximum of 20% for in-country activities.

c) Unforeseen circumstances clause (Recital 15)

The EP tabled for the Trilogue a set of new proposals for a "COVID-19 clause" which included the possibility of deploying young HA volunteers in conflict/war zones. The Council did not accept them. The final compromise text is the "unforeseen circumstances clause" proposed by the Commission in Recital 15, which covers the impact of environmental crises, conflicts or pandemics.

d) Additional HA-related provisions

The EP tabled for the Trilogue a set of new proposals introducing specific provisions for organisations participating in the HA strand. These covered inter alia specific trainings, certification schemes and deployment processes. They were all dropped in the context of the overall compromise deal.

e) Indicators related to the HA strand (Annex)

The Annex includes a few additional indicators (areas to be monitored) that have been added during the negotiations. The two last ones are related to the HA strand and were agreed at the Trilogue, while other indicators were dropped in the context of the overall compromise deal.

f) Retroactivity provisions (Recitals 51a and 52, and Articles 12(3) and 33)

These provisions have been prepared by the Legal Services of the three institutions after the trilogue and are now integrated in the text. They refer to the retroactive award of the grants and the retroactive entry into force as from 1 January 2021.

g) Programme time frame (Recital 55 and Article 1(1))

In line with the European Council mandate and the MFF Regulation, the co-legislators finally agreed to specifically mention the duration of the Programme, namely the period of the MFF 2021-2027.

Analysis of the final compromise text with a view to an overall agreement on the ESC Regulation 2021-2027

3. In addition to the above mentioned issues, delegations' attention is drawn to the key topics on which a political agreement was confirmed at the Trilogue on the basis of the compromise proposals preliminarily agreed in previous technical meetings held in 2020¹:

- Governance: instead of a number of provisions to be amended by delegated acts (as had been requested by Parliament), the compromise deal consists of a very simple text in Recital 53 stating that Actions or initiatives that are not supported under Chapters II, III and IV cannot be included in the work programme.

¹ These issues were already presented to Coreper on 9 December in the framework of the preparations for the Trilogue

- Inclusion: although the ESC is fundamentally an inclusion programme, the EP insisted in enhancing the inclusion provisions, also for reasons of visibility. In this perspective, a compromise package consisting of a new Article 15a on Inclusion of young people with fewer opportunities, as well a number of other provisions enhancing the inclusiveness of the Programme, have been added.
- Traineeships and jobs: in the context of the acceptance of the budget cut from 1260 million € to 1009 million € and in the context of an overall deal, the Council agreed to the EP request to delete the traineeships and jobs strand from the Programme (former Article 8 and related provisions), and to add the corresponding budget (8%) to the solidarity strand, which will then receive 94% of the budget
- Insurance, coverage and clearance requirements: as a result of negotiations, a number of provisions enhancing the insurance and coverage of participants, as well as the security checks to protect vulnerable people such as children, have been introduced in different parts of the text, in particular in recitals 15, 15a and 28, and in articles 5(2), 7(1) and 11(1).
- Specific HA provisions: while the EP proposed extensive amendments and additional text proposals for the HA strand of the ESC, the Council and the Commission rejected most of them, bearing in mind that while on the one the hand HA indeed has specific features, but on the other hand it only represents 6% of the Programme. The final compromise on the HA strand, as set out in recitals 1a to 1e, and in Chapter IV, is balanced in this regard.
- Horizontal provisions: in addition to the above mentioned Programme duration and retroactivity clauses, the final compromise text also includes horizontal provisions regarding third country participation and other issues where the ESC must be aligned and/or consistent with the MFF Regulation and with the Erasmus+ Programme.

4. With a view to enabling an early second reading agreement between the Council and the European Parliament on this legislative proposal, the Permanent Representatives Committee (Coreper) is invited to
- analyse the final compromise text as set out in the Annex to this note and
 - confirm the compromise agreement.
5. The General Secretariat of the Council will communicate Coreper's confirmation of the agreement to the Secretariat of the EP CULT Committee. The Council will be invited to reach a political agreement, once the Chair of the EP CULT Committee has sent a letter to the Chair of Coreper confirming the provisional agreement, subject to legal-linguistic revision.

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
- Interinstitutional file: 2018/0230 (COD) -
Revised version after Trilogue on 11 December 2020

1st column: *COM original proposal*

2nd column: *EP amendments. Changes to COM proposal are indicated in **bold italics** for additions. Deletions are not indicated.*

3rd column: *Council PGA. Changes to COM proposal are indicated in **bold** for additions and with [...] for deletions.*

4th column: *agreed texts after the 4th and final Trilogue on 11 December 2020 (consolidated text of the Regulation). Text in **bold italics** comes from EP amendments, texts in **bold** from the Council PGA, and texts in **bold italics underlined** are new texts agreed in negotiations between the EP and the Council. Deletions as regards the COM proposal are indicated by [...]. Deletions as regards the EP amendments or the Council PGA are not indicated.*

5th column: *line numbers to facilitate discussions*

Empty cells in 2nd and 3rd columns mean that no EP and/or no Council amendment was made to the COM proposal

**Agreed texts after 4th and final Trilogue
on 11 December 2020**

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,²

² OJ C [...], [...], p. [...].

Having regard to the opinion of the Committee of the Regions³,
Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The European Union is built on solidarity, among its citizens and among its Member States. This **universal and** common value, *enshrined in Article 2 of the Treaty on the European Union*, 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.

(1a) Given the significant increase in global humanitarian needs and with a view to enhancing the promotion of solidarity and the visibility of humanitarian aid among Union citizens, there is a need to develop solidarity between Member States and with third countries affected by man-made or natural disasters.

(1b) Humanitarian aid volunteering actions should contribute to a needs-based humanitarian response and be guided by the European Consensus on Humanitarian Aid. International humanitarian law and human rights law should be promoted.

(1c) Where appropriate, the central and overall coordinating role of UN-OCHA in promoting a coherent international response to humanitarian crises should be taken into account.

(1d) Humanitarian aid volunteering actions should contribute to an adequate humanitarian response strengthening the gender perspective in Union humanitarian aid policy, promoting adequate humanitarian responses to the specific needs of women and men of all ages. These actions should taking into account the needs and capacities of those in the most vulnerable situations, including women and children, and those most at risk.

³ OJ C [...], [...], p. [...].

(1e) Humanitarian aid volunteering actions should strive to contribute to enhanced effectiveness and efficiency of the EU humanitarian aid, in line with the Good Humanitarian Donorship principles.

(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 2016⁴, the Commission emphasised the need to strengthen the foundations for solidarity work across Europe, to provide young people with more and better opportunities for solidarity activities covering a broad range of areas, and to support national, **regional** and local actors, in their efforts to cope with different challenges and crises. 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.

(4a) Within the context of this Regulation, solidarity is understood as a sense of responsibility on the part of everyone with regard to everyone to commit oneself to the common good, which is expressed through concrete actions.

⁴ 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).

(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.

(4b) Contributing to assistance to people and communities outside the Union in need of humanitarian aid, based on the fundamental principles of neutrality, humanity, independence and impartiality, is an important expression of solidarity

(4d) There is a need to further develop solidarity with victims of crises and disasters in third countries and to raise both awareness levels and the visibility of humanitarian aid and volunteering in general as a lifelong activity among Union citizens.

(4e) The Union and the Member States have committed to implement the United Nations (UN) 2030 Agenda for Sustainable Development and the Sustainable Development Goals thereof, both internally and through external actions.

(4f) In its conclusions of 19 May 2017 on operationalising the humanitarian-development nexus, the Council recognised the need to strengthen resilience by better linking humanitarian assistance and development cooperation and to further strengthen the operational links between the complementary approaches of humanitarian assistance, development cooperation and conflict prevention.

(5) Young people should be provided with easily accessible and inclusive opportunities to engage in solidarity activities, which could enable them to express their commitment to the benefit of communities while acquiring useful experience, **knowledge**, 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 **and**. intercultural awareness and dialogue

(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 **and civic participation. They should** offer young people the opportunity to acquire valuable knowledge, **skills** and competences. **They should** be financially accessible to young people and be implemented in safe and healthy conditions.

(7) The European Solidarity Corps provides a single entry point for solidarity activities throughout the Union and beyond. **In order to maximise the effectiveness of Union funding and the impact of the Programme, the Commission should seek to establish synergies across all relevant programmes in a coherent manner, without such synergies leading to funds being used to pursue objectives other than those set out in this Regulation.** Consistency and complementarity should be ensured with other relevant Union policies, **such as the 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 Service⁵ and the EU Aid Volunteers⁶. [...] Complementarity with existing Union level networks pertinent to the activities under the European Solidarity Corps, such as the [...] Eurodesk network, are also ensured. Furthermore, complementarity between existing related schemes, in particular national solidarity schemes, **such as volunteering, civic service** and mobility schemes for young people, and the European Solidarity Corps should be ensured, building on good practices where appropriate, **to mutually enhance and enrich the impact and qualities of such schemes and build upon good practices. The European Solidarity Corps should not substitute similar national schemes. Equal access for all young people to national solidarity activities should be ensured.**

(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.

⁵ 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).

⁶ 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 [...] 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 thus also contribute to European cooperation relevant to young people and raising awareness of its positive impact. **It is appropriate that activities offered follow a clear and detailed procedure addressed to participants and participating organisations, establishing the steps of all phases of the solidarity activities.**

(10) Those activities should **present potential European added value** and 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, **solidarity** 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, **intercultural awareness and dialogue, social inclusion, inclusion of people with disabilities**, 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, **culture, including cultural heritage**,, creativity and culture, physical education and sport, social assistance and welfare, reception and integration of third-country nationals, **while taking into account the challenges faced by people with a migrant background**, 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, ***civic participation*** 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.

[...]

(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 that 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 communities. Those projects are an opportunity to try out ideas ***and innovative solutions to common challenges through a bottom-up approach*** 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 ***and continue to be active citizens as volunteers, trainees or as employees in*** associations, non-governmental organisations or other bodies active in the solidarity, non-profit and youth sectors.

(13a) Volunteers can contribute to strengthening the Union's capacity to provide needs-based and principled humanitarian aid and can contribute to enhancing the effectiveness of the humanitarian sector where they are adequately selected, trained and prepared for deployment so as to ensure that they have the necessary skills and competences to help people in need in the most effective way, and provided that they can count on sufficient on-site support and supervision. Therefore, highly skilled, highly trained and experienced coaches, mentors and experts play an important role in contributing to the effectiveness of the humanitarian response on the ground as well as towards supporting volunteers as part of the volunteering activities. They can be involved in these activities to guide and accompany the volunteers and the development and capacity building components of the volunteering activities, strengthening local networks and communities. Particular attention should be given to the capacity of hosting organisations in third countries and the need to embed the activities of volunteers within the local context and to facilitate volunteers' interaction with local humanitarian actors, the hosting community and civil society.

(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 of the activities and opportunities offered under the European Solidarity Corps, in particular by offering ***online or offline*** training, language support and administrative support to participants ***before, during and after the activity, as well as insurance, including coverage for accident, sickness and third party liability.*** The validation of the knowledge, skills and competences acquired through their European Solidarity Corps experience **should be ensured**. Security and safety of the participants, ***participating organisations and intended beneficiaries*** remain of paramount importance. ***This should include appropriate clearance requirements for participants working with vulnerable groups in accordance with applicable national law. All activities should comply with the ‘do no harm principle’ and be implemented with due consideration of the impact of unforeseen circumstances such as environmental crises, conflicts or pandemics.*** . Volunteers should not be deployed to operations conducted in the theatre of international and non-international armed conflicts, ***or to facilities that contravene international human rights standards.***

(15a) The Programme should respect the principles set out in the EU Guidelines for the Promotion and Protection of the Rights of the Child (2017) and in Article 9 of the UN Convention on the Rights of Persons with Disabilities.

(16) To ensure the impact of European Solidarity Corps activities on the personal, educational, social, ***cultural***, 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. ***To that end, the use of effective instruments at Union and national level for the recognition of non-formal and informal learning, such as Youthpass and Europass, should be encouraged, as appropriate*** in accordance with national circumstances and specificities, as recommended in Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning²² .

(16a) The European Commission and national agencies should also encourage former participants to share their experiences through youth networks, educational establishments and workshops, in roles such as ambassadors or as members of a network, amongst others. These former participants could also contribute to the training of participants.

(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 ***regularly and should*** 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. ***The administrative process should be reduced to a minimum in order to avoid discouraging smaller organisations.***

(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.

(19a) As a general rule, grant requests should be submitted to the national agency of the country in which the participating organisation is based. Grant requests for activities with a Europe-wide or international dimension, including solidarity activities of volunteering teams in priority areas identified at the European level, and solidarity activities in support of humanitarian aid operations in third countries may be centrally managed if appropriate.

(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 *in order to increase opportunities for further solidarity experiences. The quality label reflects these varying specific requirements depending on the type of solidarity activity provided and certifies that the organisation is able to ensure the quality of solidarity activities, during all stages of the solidarity experience, in accordance with the principles and objectives of the Programme. Any entity which substantially changes its activities should inform the competent implementing body for reassessment.*

(20a) In order to support solidarity activities among young people, participating organisations should be public or private entities or international organisations, non-profit or profit making, and may include youth organisations, religious institutions and charity associations, secular humanistic organisations, NGOs or other actors from civil society.

(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 ***in compliance with the standards established by Directive (EU) 2016/2102 of the European Parliament and of the Council***⁷ 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 Framework⁸, 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]⁹ (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.

⁷ ***Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1)***

⁸ 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).

⁹ [Pending reference to Financial Regulation].

(26) In particular, in accordance with Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council¹⁰ and Council Regulation (Euratom, EC) No 2185/96¹¹, 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) 2017/1939¹², 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 Council¹³. 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.

(27a) In view of the specific challenges of humanitarian action, participants in volunteering in support of humanitarian aid operations should be at least 18 years of age and no older than 35 years

¹⁰ 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).

¹¹ 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).

¹² 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).

¹³ 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, **including reasonable accommodation enabling the effective participation of persons with disabilities on an equal basis with others in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities and with Council Directive 2000/78/EC1a**, 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 **Member States, Overseas Countries and Territories, and third countries associated to the Programme** should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the 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.

(28a) Particular attention should be given to the capacity of hosting organisations in third countries and the need to embed the activities of volunteers within the local context and to facilitate volunteers' interaction with local humanitarian actors, the hosting community and civil society.

(29) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and achieve the United Nations' Sustainable Development Goals, the Programme will contribute to mainstream climate action in the Union's policies and to the achievement of an overall target of **30%** of the Union budget expenditures supporting climate objectives. **In line with the European Green Deal as a blueprint for sustainable growth, the actions under this regulation should respect the “do no harm” principle without changing the fundamental character of the Programme.** Relevant actions will be identified and put in place during the Programme's [...] implementation and reassessed in the context of the relevant evaluations and review process. **It is also appropriate to measure relevant actions that contribute to climate objectives, including those intended to reduce the environmental impact of the Programme.**

(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 procedure¹⁴.

(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.

¹⁴ 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 management (OJ C 373, 20.12.2013, p. 1–11).

(32) Third countries which are members of the European Economic Area (EEA) may participate in the Union Programmes in the framework of the cooperation established under the Agreement of the European Economic Area [...], which provides for the implementation of the programmes on the basis of 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 requiring the third countries to grant the necessary rights [...] and access required for the authorising officer responsible [...] (OLAF) and the [...] Court of Auditors to comprehensively exercise their respective competences. The full participation of third countries in the Programme should be subject to the conditions laid down in specific agreements covering the participation of the third country concerned to the Programme. Full participation entails, moreover, the obligation to set up a national agency and managing some of the actions of the Programme under indirect management. [...] 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. When implementing the Programme, specific arrangements could be taken into account with regard to the participation of entities from European micro-states¹⁵.

(33) In order to maximise the impact of the European Solidarity Corps, provisions should be made to allow Member States and third countries associated to the Programme and other Union programmes to make additional funding available in accordance with the rules of the European Solidarity Corps.

¹⁵ For the purpose of this Regulation, 'European micro-states' are Andorra, Liechtenstein, Monaco, San Marino, and the Holy See.

(34) Pursuant to [*reference to be updated as appropriate according to a new Decision on OCTs - Article 94 of the Council Decision 2013/755/EC*]¹⁶, 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. ***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 call for proposals published by the Commission. When implementing the Programme, specific arrangements could be taken into account with regard to the participation of entities from European micro-states.***

(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'¹⁷, the Programme should take into account the specific situation of these regions. Measures ***should*** be taken to increase the outermost regions' participation in all actions, ***including through financial support, where relevant, for mobility actions***. Mobility exchanges and cooperation between people and organisations from these regions and third countries, in particular their neighbours, should be fostered. Such measures ***should*** be monitored and evaluated regularly.

(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.

¹⁶ [Pending reference on New Council Decision on association of OCTs].

¹⁷ COM(2017) 623 final.

(37) Pursuant to paragraph 22 and 23 of the Interinstitutional agreement for Better Law-Making of 13 April 2016¹⁸, 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, including effects on societal and humanitarian challenges, 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. Furthermore, the Commission should engage with a broad range of stakeholders, including participating organisations, on a regular basis across the life cycle of the programme, to facilitate sharing of good practices and project results and gather feedback on the programme. The national agencies should be invited to participate in the process.

(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, **social enterprises**, youth organisations, **organisations representing people with disabilities**, 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.

¹⁸ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1–14).

(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 *Member States and third countries associated to the Programme*, each national authority should designate an independent audit body. Where feasible, and in order to maximise efficiency, the independent audit 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 Council¹⁹, 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.

¹⁹ 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).

(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 Council²⁰.

(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.

(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 2988/95²¹, 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.

²⁰ 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).

²¹ 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).

(48) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union²². In particular, this Regulation seeks to ensure full respect for the right to equality between men and women and the right to non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, *socioeconomic background* and to promote the application of Articles 21 and 23 of the Charter of Fundamental Rights of the European Union.

(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 *include a general regime of conditionality for* the protection of the Union's budget [...].

(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.

²² EU Charter of Fundamental Rights (OJ C 326, 26.10.2012, p. 391).

(51a) In accordance with Article 193(2) of Regulation (EU, Euratom) No 2018/1046, a grant may be awarded for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to Union's interests, it should be possible to provide in the financing decision, during a limited period of time at the beginning of the multiannual financial framework ('MFF') 2021-2027, and only in duly justified cases, for eligibility of activities and costs from the beginning of the 2021 financial year, even if they were implemented and incurred before the grant application was submitted.

(52) In order to ensure continuity in providing support in the relevant policy area and to allow implementation of the Programme as of the beginning of the MFF 2021-2027, this Regulation should apply, with retroactive effect, from the beginning of the 2021 financial year, and enter into force as a matter of urgency.

(53) Actions or initiatives that are not supported under Chapters II, III and IV cannot be included in the work programme.

(54) In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the European Solidarity Corps and other Union programmes, including those under shared-management. To maximise those synergies, key enabling mechanisms should be ensured, including cumulative funding in an action from the European Solidarity Corps and another Union programme, as long as such cumulative funding does not exceed the total eligible costs of the action. For that purpose, this Regulation should set out appropriate rules, in particular on the possibility to declare the same cost or expenditure on a pro-rata basis to the European Solidarity Corps and another Union programme.

(55) The Programme should be established for a period of seven years to align its duration with that of the MFF laid down in Council Regulation (EU, Euratom) No [reference to the MFF Regulation to be inserted]

HAVE ADOPTED THIS REGULATION:

CHAPTER I
GENERAL PROVISIONS

Article 1
Subject matter

1. This Regulation establishes the European Solidarity Corps (the 'Programme') **for the period of the MFF 2021-2027.**

2. The Programme 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).

3. 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, ***inclusive*** activity **that addresses important societal challenges, that contributes** to the achievement of the objectives of the European Solidarity Corps, **that takes** the form of volunteering, [...] solidarity projects and networking activities in various fields, including those referred to in **point** 13, **that ensures** the European added value and **that complies with occupational** health, safety regulations and **relevant security rules**

- (2) ‘*registered candidate*’ means an individual aged between 17 and 30 years, **who is legally residing in a Member State, in a third country associated to the Programme pursuant to Article 14, or in a third country referred to in Article 14b**, 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 Member State, in a third country associated to the Programme pursuant to Article 14, or in a third country referred to in Article 14b**, who has registered in the European Solidarity Corps Portal and **who** takes part in a solidarity activity under the European Solidarity Corps;
- (4) ‘*young people with fewer opportunities*’ means young people **who** for economic, social, cultural, geographical or health reasons, **a migrant background**, or for reasons such as disabilities and educational difficulties **or for any other reasons, including those that can give rise to discrimination under Article 21 of the Charter of Fundamental Rights of the European Union, face** obstacles that prevent them from having effective access to opportunities under the Programme;
- (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, for a period of up to 12 months, as voluntary unpaid activity ***that contributes to the achievement of the common good***;

[...]

[...]

(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, ***on the basis of varying specific requirements depending on the type of solidarity activity provided***, to a participating organisation willing to provide solidarity activities under the 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;

(11a) “*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 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, ***mainly volunteering***, as a means to contribute to strengthening cohesion, solidarity, democracy, ***European identity*** and ***active citizenship*** in the Union and abroad, addressing societal and humanitarian challenges on the ground, with particular effort to promote ***sustainable development***, social inclusion ***and equal opportunities***.
2. The specific objective of the Programme is to provide young people, including those with fewer opportunities, with easily accessible opportunities for engagement in solidarity activities ***that induce positive societal changes*** in Europe and abroad, while improving and properly validating their competences, as well as facilitating their ***continuous engagement as active citizens [...]***.
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 **actions supported under the** Programme **are the** following [...]:

(a) volunteering, as **set out** in Articles 7 and 11

[...]

(c) solidarity projects, as **set out** in Article 9;

(d) networking activities, as **set out** in Article 5;

(e) quality and support measures, as **set out** 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 **Member States and third countries associated to the Programme**.

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 carried out in-country or cross-border and** shall aim at:

- (a) reinforcing the capacities of the participating organisations to offer **high** quality, **easily accessible** projects to an increasing number of European Solidarity Corps participants;
- (b) attracting newcomers, both young people and participating organisations;
- (c) providing **participants and participating organisations with** opportunities to give feedback on solidarity activities **and to promote the Programme;** 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, **including through activities such as the exchange of best practices and the creation of networks.**

2. Quality and support measures, as referred to in Article 4.1, point (e), shall include:

(aa) appropriate measures to provide clearance requirements in accordance with applicable national law

- (a) measures **taken before, during or after the activities** aimed at ensuring the quality **and accessibility** of volunteering, including **online and offline** training, **where appropriate adapted to the activities and their context;** language support; [...] insurance, **including accident and sickness insurance;** [...] the further use of Youthpass that identifies and documents the competences acquired by participants during the solidarity activities; [...] 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 ***an accessible*** European Solidarity Corps Portal ***in all official languages of the Union*** and other relevant online services as well as 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, ***active citizenship*** and democracy in the Union and abroad, while also responding to societal challenges with particular effort to promote social inclusion ***and equal opportunities***.
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;
 - [...]***
 - (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(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. **This agreement shall set out the rights and obligations, the duration and location of deployment and the task description, and refer to the terms of the insurance coverage of the participants and, where appropriate, to the relevant clearance requirements, in accordance with applicable national law.**
2. Volunteering may take place in a country other than the country of residence of the participant (cross-border) or in the country of residence of the participant (in-country). **In-country volunteering shall be open to the participation of all young people, and in particular of young people with fewer opportunities.**

[...]

[...]

[...]

[...]

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, principles 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:
 - a) be carried out in compliance with the humanitarian [...] principles of humanity, neutrality, impartiality and independence, as well as with the 'do no harm' principle;
 - b) respond to the humanitarian needs of local communities identified in cooperation with humanitarian and other relevant partners within the hosting country or region;
 - c) be planned on the basis of risk assessments and undertaken in a way that ensures a high level of safety and security of volunteers;
 - d) where relevant, facilitate the transition from the humanitarian response to long-term sustainable and inclusive development;
 - e) facilitate the active involvement of local staff and volunteers of the countries and communities where the actions are implemented;
 - f) wherever relevant, take into account specific needs of women and seek to involve women and groups and networks of women;
 - g) contribute to efforts to strengthen local preparedness and/or response to humanitarian crises.

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

1. Volunteering in support of humanitarian aid operations as referred to in Article 4(1)(a) shall (a) include a learning and training component, ***including on the principles set out in Article 10(2), and where appropriate include development and capacity building components, with the involvement of highly skilled, highly trained and experienced coaches, mentors and experts;*** (b) not substitute traineeships or jobs; (c) ***not be equated with employment,*** and (d) be based on a written volunteering agreement. ***This agreement shall set out the rights and obligations, the duration and location of deployment and the task description, and refer to the terms of the insurance coverage of the participants and, where appropriate, to the relevant clearance requirements, in accordance with applicable national law.***
2. 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.
3. ***The upper age limit referred to in Articles 2 and 15 shall be of 35 years old for volunteering in support of humanitarian aid operations under this Article.***

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 **1 009 000 000** 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:

- **94% for volunteering referred to in Article 7 and solidarity projects,**
- **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. In accordance with point (a) of the second subparagraph of Article 193(2) of Regulation (EU, Euratom) No 2018/1046, in duly justified cases specified in the financing decision, activities supported under this Regulation and the underlying costs incurred in 2021 may be considered eligible as of 1 January 2021, even if they were implemented and incurred before the grant application was submitted.

4. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme, **subject to the conditions set out in Article 21 of the [CPR Regulation].** 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

Third countries associated to the Programme

[...]

1. The Programme shall *[...]* be open to the participation of **the following third countries**:

(a) members of the European Free Trade Association, which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the European Economic Area agreement;

(b) acceding countries, candidate **countries** and potential candidate **countries**, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or 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.

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

[...]

Article 14a

Other participating countries

1. The Programme shall also be open to the participation of overseas countries and territories:

2. In duly justified cases in the Union's interest, the actions as referred to in Articles 5 and 7 may also be open to participation of legal entities of third countries ies not associated to the programme.

Article 15

Participation of individuals

Young people aged 17 to 30 years willing to participate in the European Solidarity Corps shall register in the European Solidarity Corps Portal. However, at the moment of commencing volunteering [...] or a solidarity project a young person shall be at least 18 years of age and not older than 30.

Article 15a

Inclusion of young people with fewer opportunities

1. When implementing this Regulation, the Commission, the Member States and third countries associated to the Programme shall ensure that specific and effective measures are taken to promote social inclusion and equal access conditions, in particular for the participation of young people with fewer opportunities.

2. The Commission shall, by 30 June 2021, develop a framework of inclusion measures to increase participation rates among people with fewer opportunities, as well as guidance for their implementation. That guidance shall be updated as necessary over the duration of the Programme. Based on that framework, and with particular attention to the specific Programme access challenges within the national contexts, inclusion action plans shall be developed and form an integral part of the national agencies' work programmes; their implementation shall be monitored on a regular basis by the Commission.

3. The Commission shall, where relevant and safeguarding sound financial management, ensure that financial support measures, including pre-financing, are put in place to facilitate the participation of young people with fewer opportunities in the Programme. The level of support shall be based on objective criteria.

Article 16
Participating organisations

1. The European Solidarity Corps shall be open to the participation of public or private entities, **whether non-profit or profit-making**, and international organisations, provided that they have received a 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; **avoidance of harmful activities**; provision of high quality, ***easily accessible and inclusive*** activities with learning dimension focusing on personal, socio-educational and professional development; adequate training, working and volunteering arrangements; safe and decent environment and conditions, **with internal mechanisms for conflict resolution to protect the participant**; and the 'no-profit principle' in compliance with the Financial Regulation. The above principles ascertain whether its activities meet the requirements ***and objectives*** 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. **Where the entity no longer complies with the conditions that led to its attribution, the implementing body shall take remedial measures until the conditions and quality requirements are met. In case of continued failure to comply, the Quality Label shall** 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, **based on risk assessments**, shall be a priority.

Article 17

Access to the European Solidarity Corps funding

Any public or private entity established in **Member States, Overseas Countries and Territories, and third countries associated to the Programme,** 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 [...]-and 11, a quality label shall be obtained by the participating organisation as a precondition 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. ***As a general rule, the grant request shall be submitted to the national agency of the country in which the organisation is based.***

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, *which shall feed into the interim evaluation. The interim evaluation of the Programme shall assess the overall effectiveness and performance of the Programme, as well as the delivery of the inclusion measures.*
3. Without prejudice to the requirements set out in Chapter IX and the obligations of national agencies as referred to in Article 23, Member States shall submit to the Commission, by **31 May 2024**, a report on the implementation and the impact of the Programme in their respective territories.

3a. Where appropriate, and on the basis of the interim evaluation, the Commission shall put forward a legislative proposal to amend this Regulation
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 [**by 31 December 2031**], a final evaluation **on the results and impact** of the Programme shall be carried out by the Commission.
5. The Commission shall *transmit any* evaluations, *including the interim evaluation*, 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. **In cooperation with the Commission**, the national agencies referred to in Article 23 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, **and** shall assist the Commission in its general task of disseminating information concerning the Programme, including information in respect of actions and activities managed at national and Union level, and its results. **National agencies** shall inform relevant target groups about the actions and activities undertaken in their country.

3a. Participating organisations shall use the name “European Solidarity Corps” for the purposes of communication and dissemination of information related to the Programme.

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 **Member States and third countries associated to the Programme** 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

Independent audit body

1. **The independent audit body shall issue an audit opinion on the yearly management declaration as referred to in Article [60(5)] of the Financial Regulation. It** shall form the basis of the overall assurance pursuant to Article [123] of the Financial Regulation.

2. The independent audit body shall:

- (a) have the necessary professional competence to carry out public sector audits;
- (b) ensure that its audits take account of internationally accepted audit standards; and
- (c) not be in a position of conflict of interest with regard to the legal entity of which the national agency [...] forms part and 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 **yearly** 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 be consistent with and complementary to the relevant policies, programmes and instruments at national level in the **Member States and third countries associated to the Programme**. To this end, the Commission, national authorities and national agencies shall exchange information on existing national schemes and priorities related to solidarity and youth, on the one hand, and actions under the 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. Actions *awarded a Seal of Excellence certification, which comply under this Programme by complying with the following cumulative, comparative conditions:*

a) they have been assessed in a call for proposals under the Programme;

(b) they comply with the minimum quality requirements of that call for proposals; and

(c) they may not **be** financed **under that call for proposals** due to budgetary constraints.

may receive support from the European Regional Development Fund, [...] **or** the European Social Fund+ [...], in accordance with paragraph **5** of Article [**67**] of Regulation (EU) XX [Common Provisions Regulation] [...]

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 [...] day [...] of its publication in the Official Journal of the European Union. **It shall apply from 1 January 2021.**

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

Done at Brussels,

For the European Parliament

For the Council

The President

The President

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

Areas to be monitored:

- (a) number of participants in solidarity activities;
- (b) share of participants with fewer opportunities;
- (c) number of organisations holding a European Solidarity Corps Quality Label.
- (d) number of participating young people with fewer opportunities;*
- (e) share of participants reporting positive learning outcomes;*
- (f) share of participants whose learning outcomes have been documented through a transparency and recognition tool such as Youthpass, Europass or a national tool ;*
- (g) overall satisfaction rate of participants with regard to the quality of activities;*
- (h) share of activities addressing climate objectives*
- (i) Degree of satisfaction of volunteers deployed in the humanitarian aid field and of participating organisations with regard to the effective humanitarian contribution of the activities on the ground.*
- (j) Number of activities in third countries contributing to strengthening local actors and local communities and complementing volunteering activities in the humanitarian aid field*