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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2021/887 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 20 May 2021****establishing the European Cybersecurity Industrial, Technology and Research Competence Centre
and the Network of National Coordination Centres**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 173(3) and the first paragraph of Article 188 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The majority of the population of the Union is connected to the internet. The daily lives of people and economies are becoming increasingly dependent on digital technologies. Citizens and businesses are becoming increasingly exposed to serious cybersecurity incidents and many businesses in the Union experience at least one cybersecurity incident every year. This highlights the need for resilience, for enhancing technological and industrial capabilities and for the use of high cybersecurity standards and holistic cybersecurity solutions which involve people, products, processes and technology in the Union, as well as the need for Union leadership in the areas of cybersecurity and digital autonomy. Cybersecurity can also be improved by raising the awareness of cybersecurity threats and by developing competencies, capacities and capabilities throughout the Union, while thoroughly taking into account societal and ethical implications and concerns.
- (2) The Union has steadily increased its activities to address growing cybersecurity challenges following the cybersecurity strategy put forward by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (High Representative) in their Joint communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 7 February 2013 entitled 'Cybersecurity Strategy of the European Union: An Open, Safe and Secure Cyberspace' (the '2013 Cybersecurity Strategy'). The 2013 Cybersecurity Strategy aimed to foster a reliable, safe, and open cyber ecosystem. In 2016, the Union adopted the first measures in the area of cybersecurity with Directive (EU) 2016/1148 of the European Parliament and of the Council ⁽³⁾ on security of network and information systems.

⁽¹⁾ OJ C 159, 10.5.2019, p. 63.

⁽²⁾ Position of the European Parliament of 17 April 2019 (not yet published in the Official Journal) and position of the Council at first reading of 20 April 2021 (not yet published in the Official Journal). Position of the European Parliament of 19 May 2021 (not yet published in the Official Journal).

⁽³⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

- (3) In September 2017, the Commission and the High Representative presented a Joint communication to the European Parliament and the Council entitled 'Resilience, Deterrence and Defence: Building strong cybersecurity for the EU' to further reinforce the Union's resilience, deterrence and response to cyber-attacks.
- (4) The Heads of State and Government at the Tallinn Digital Summit, in September 2017, called for the Union to become a global leader in cyber-security by 2025, in order to ensure trust, confidence and protection of citizens, consumers and enterprises online and to enable a free, safer and law-governed internet and declared their intention to make more use of open source solutions and open standards when (re)building Information and Communication Technology (ICT) systems and solutions, in particular avoiding vendor lock-ins, including those developed or promoted by Union programmes for interoperability and standardisation, such as ISA².
- (5) The European Cybersecurity Industrial, Technology and Research Competence Centre (the 'Competence Centre') established in this Regulation should help to increase the security of network and information systems, including the internet and other infrastructures which are critical for the functioning of society, such as transport, health, energy, digital infrastructure, water, the financial markets and the banking systems.
- (6) The substantial disruption of network and information systems can affect individual Member States and the Union as a whole. A high level of security of network and information systems throughout the Union is therefore essential for society and the economy alike. At the moment, the Union depends on non-European cybersecurity providers. However, it is in the Union's strategic interest to ensure that it retains and develops essential cybersecurity research and technological capacities to secure the network and information systems of citizens and businesses, and in particular to protect critical network and information systems and provide key cybersecurity services.
- (7) A wealth of expertise and experience in cybersecurity research, technology and industrial development exists in the Union, but the efforts of industrial and research communities are fragmented, lacking alignment and a common mission, which hinders competitiveness and the effective protection of networks and systems in that domain. Such efforts and expertise need to be pooled, networked and used in an efficient manner to reinforce and complement existing research, technology and industrial capacities and skills at Union and national level. Although the ICT sector faces important challenges, such as fulfilling its demand for skilled workers, it can benefit from representing the diversity of society at large, achieving a balanced representation of genders, ethnic diversity, and non-discrimination against persons with disabilities, as well as facilitating access to knowledge and training for future cybersecurity experts, including the education of such experts in non-formal contexts, for example in free and open source software projects, civic technology projects, start-ups and microenterprises.
- (8) Small and medium-sized enterprises (SMEs) are crucial stakeholders in the Union's cybersecurity sector and can provide cutting-edge solutions due to their agility. However, SMEs that are not specialised in cybersecurity are also prone to be more vulnerable to cybersecurity incidents due to high investment and knowledge requirements for the establishment of effective cybersecurity solutions. It is therefore necessary that the Competence Centre and the Network of National Coordination Centres (the 'Network') provide support for SMEs by facilitating the access of SMEs to knowledge and tailoring access to the results of research and development, in order to allow SMEs to make themselves sufficiently secure and to allow SMEs that are active in cybersecurity to be competitive and contribute to the Union's leadership in the area of cybersecurity.
- (9) Expertise exists outside industrial and research contexts. Non-commercial and pre-commercial projects, referred to as 'civic tech' projects, make use of open standards, open data, and free and open source software, in the interest of society and the public good.
- (10) The area of cybersecurity is diverse. Relevant stakeholders include stakeholders from public entities, Member States and the Union, as well as from industry, civil society, such as trade unions, consumer associations, the free and open source software community and the academic and research community, and other entities.
- (11) The Council Conclusions adopted in November 2017 called on the Commission to provide rapidly an impact assessment on the possible options to create a network of cybersecurity competence centres and a European cybersecurity research and competence centre, and to propose by mid-2018 the relevant legal instrument for the creation of such a network and such a centre.

- (12) The Union still lacks sufficient technological and industrial capacities and capabilities to autonomously make its economy and critical infrastructures secure and become a global leader in the area of cybersecurity. There is an insufficient level of strategic and sustainable coordination and cooperation between industries, cybersecurity research communities and governments. The Union suffers from insufficient investment and limited access to cybersecurity knowhow, skills and facilities, and few Union cybersecurity research and innovation outcomes are translated into marketable solutions or widely deployed across the economy.
- (13) Establishing the Competence Centre and the Network, with a mandate to pursue measures in support of industrial technologies and in the domain of research and innovation, is the best way to fulfil the objectives of this Regulation while offering the highest economic, societal and environmental impact and safeguarding the Union's interests.
- (14) The Competence Centre should be the Union's main instrument to pool investment in cybersecurity research, technology and industrial development and to implement relevant projects and initiatives together with the Network. The Competence Centre should manage cybersecurity-related financial support from Horizon Europe – the Framework Programme for Research and Innovation (Horizon Europe) established by Regulation (EU) 2021/695 of the European Parliament and of the Council ⁽⁴⁾ and the Digital Europe Programme established by Regulation (EU) 2021/694 of the European Parliament and of the Council ⁽⁵⁾ and should be open to other programmes where appropriate. This approach should contribute to creating synergies and coordinating financial support related to Union initiatives in the area of cybersecurity research and development, innovation, technology and industrial development and should avoid unnecessary duplication.
- (15) It is important to ensure respect for fundamental rights and ethical conduct in cybersecurity research projects supported by the Competence Centre.
- (16) The Competence Centre should not carry out operational cybersecurity tasks, such as tasks associated with Computer Security Incident Response Teams (CSIRTs), including the monitoring and handling of cybersecurity incidents. However, the Competence Centre should be able to facilitate the development of ICT infrastructures at the service of industries, in particular SMEs, research communities, civil society and the public sector, consistently with the mission and objectives laid down in this Regulation. Where CSIRTs and other stakeholders seek to promote the reporting and disclosing of vulnerabilities, the Competence Centre and members of the Cybersecurity Competence Community (the 'Community') should be able to support those stakeholders at their request within the limits of their respective tasks and while avoiding any duplication with the European Union Agency for Cybersecurity (ENISA) as established by Regulation (EU) 2019/881 of the European Parliament and of the Council ⁽⁶⁾.
- (17) The Competence Centre, the Community and the Network are intended to benefit from the experience and the broad representation of relevant stakeholders built through the contractual public-private partnership on cybersecurity between the Commission and the European Cyber Security Organisation (ECSO) for the duration of Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council ⁽⁷⁾, from the lessons learnt from four pilot projects launched in early 2019 under Horizon 2020, namely CONCORDIA, ECHO, SPARTA and CyberSec4Europe, and from the pilot project and the preparatory action on Free and Open Source Software Audits (EU FOSSA), for the management of the Community and the representation of the Community in the Competence Centre.
- (18) In view of the extent of the challenge posed by cybersecurity and in view of the investments made in cybersecurity capacities and capabilities in other parts of the world, the Union and the Member States should be encouraged to step up their financial support to research, development and deployment in this area. In order to realise economies of scale and achieve a comparable level of protection across the Union, the Member States should put their efforts into a Union framework by actively contributing to the work of the Competence Centre and the Network.

⁽⁴⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

⁽⁵⁾ Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

⁽⁶⁾ Regulation (EU) 2019/881 of the European Parliament and of the Council of 17 April 2019 on ENISA (the European Union Agency for Cybersecurity) and on information and communications technology cybersecurity certification and repealing Regulation (EU) No 526/2013 (Cybersecurity Act) (OJ L 151, 7.6.2019, p. 15).

⁽⁷⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

- (19) In order to foster the Union's competitiveness and high cybersecurity standards internationally, the Competence Centre and the Community should seek the exchange of developments in cybersecurity, including in products and processes, in standards and in technical standards, with the international community, where relevant to the Competence Centre's mission, objectives and tasks. Relevant technical standards could include, for the purpose of this Regulation, the creation of reference implementations, including those published under open standard licences.
- (20) The seat of the Competence Centre is in Bucharest.
- (21) When preparing its annual work programme (annual work programme), the Competence Centre should inform the Commission of its co-funding needs on the basis of the Member States' planned co-funding contributions to joint actions, so that the Commission is able to take into account the matching Union contribution in the preparation of the draft general budget of the Union for the following year.
- (22) Where the Commission prepares the work programme of Horizon Europe for matters related to cybersecurity, including in the context of its stakeholder consultation process, and especially before the adoption of that work programme, the Commission should take into account the input of the Competence Centre and should share that input with the Programme Committee of Horizon Europe.
- (23) In order to enable the Competence Centre to perform its role in the area of cybersecurity, to facilitate the involvement of the Network and to provide a strong governance role for the Member States, the Competence Centre should be established as a Union body with legal personality to which Commission Delegated Regulation (EU) 2019/715 ⁽⁸⁾ is to apply. The Competence Centre should perform a dual role, undertaking specific tasks in the area of cybersecurity industry, technology and research as laid down in this Regulation and managing cybersecurity-related funding from several programmes at the same time, in particular from Horizon Europe and the Digital Europe Programme, and possibly also from other Union programmes. Such management would have to be in accordance with the rules applicable to those programmes. Nevertheless, considering that the funding for the functioning of the Competence Centre would originate primarily from Horizon Europe and the Digital Europe Programme, it is necessary that the Competence Centre be considered as a partnership for the purpose of budget implementation, including during the programming phase.
- (24) As a result of Union contribution, access to the results of the Competence Centre's activities and projects is to be as open as possible and as closed as necessary, and re-use of such results is to be possible where appropriate.
- (25) The Competence Centre should facilitate and coordinate the work of the Network. The Network should be made up of one national coordination centre from each Member State. National coordination centres which have been recognised by the Commission as having the necessary capacity to manage funds to fulfil the mission and objectives laid down in this Regulation should receive direct Union financial support, including grants awarded without a call for proposals, in order to carry out their activities in relation to this Regulation.
- (26) National coordination centres should be public sector entities, or entities with a majority of public participation, performing public administrative functions under national law, including by means of delegation, and they should be selected by Member States. It should be possible for the functions of a national coordination centre in a given Member State to be carried out by an entity that carries out other functions arising under Union law, such as those of a national competent authority, a single point of contact within the meaning of Directive (EU) 2016/1148 or any other Union Regulation, or a digital innovation hub within the meaning of Regulation (EU) 2021/694. Other public sector entities or entities performing public administrative functions in a Member State should be able to assist the national coordination centre in that Member State in carrying out its functions.
- (27) National coordination centres should have the necessary administrative capacity, should possess or have access to cybersecurity industrial, technological and research expertise and should be in a position to effectively engage and coordinate with the industry, the public sector and the research community.
- (28) Education in the Member States should reflect the importance of having adequate cybersecurity awareness and skills. To that end, taking into account the role of ENISA and without prejudice to the competences of Member States in education, the national coordination centres, alongside relevant public authorities and stakeholders, should contribute to promoting and disseminating cybersecurity educational programmes.

⁽⁸⁾ Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p. 1).

- (29) National coordination centres should be able to receive grants from the Competence Centre in order to provide financial support to third parties in the form of grants. The direct cost incurred by the national coordination centres for the provision and administration of financial support to third parties should be eligible for funding under the relevant programmes.
- (30) The Competence Centre, the Network and the Community should help advance and disseminate the latest cybersecurity products, services and processes. At the same time, the Competence Centre and the Network should promote the cybersecurity capabilities of the demand-side industry, in particular by supporting developers and operators in sectors such as transport, energy, health, finance, government, telecommunications, manufacturing and space, in order to help such developers and operators solve their cybersecurity challenges, such as by implementing security by design. The Competence Centre and the Network should also support the standardisation and deployment of cybersecurity products, services and processes while promoting, where possible, the implementation of the European cybersecurity certification framework as established by Regulation (EU) 2019/881.
- (31) Due to the fast-changing nature of cyber threats and cybersecurity, the Union needs to be able to adapt quickly and continuously to new developments in the area. Hence, the Competence Centre, the Network and the Community should be flexible enough to ensure the required ability to respond to such developments. They should facilitate projects that help entities to be able to constantly build capabilities to enhance their own and the Union's resilience.
- (32) The Competence Centre should support the Community. The Competence Centre should implement cybersecurity relevant parts of Horizon Europe and the Digital Europe Programme in accordance with the multiannual work programme of the Competence Centre (multiannual work programme), the annual work programme and the strategic planning process of Horizon Europe by allocating grants and other forms of funding, primarily following a competitive call for proposals. The Competence Centre should also facilitate the transfer of expertise in the Network and the Community and should support joint investment by the Union, Member States or industry. It should pay particular attention to supporting SMEs in the area of cybersecurity, as well as to actions that help overcome the skills gap.
- (33) Technical assistance for project preparation should be done in a fully objective and transparent way that ensures that all potential beneficiaries receive the same information and is to avoid conflicts of interest.
- (34) The Competence Centre should stimulate and support the long-term strategic cooperation and coordination of the activities of the Community, which would involve a large, open, interdisciplinary and diverse group of European stakeholders involved in cybersecurity technology. The Community should include research entities, industries and the public sector. The Community should provide input to the activities of the Competence Centre, to the multiannual work programme and to the annual work programme, in particular through the Strategic Advisory Group. The Community should also benefit from the community-building activities of the Competence Centre and the Network, but otherwise should not be privileged with regard to calls for proposals or calls for tender. The Community should be made up of collective bodies and organisations. At the same time, in order to benefit from all the cybersecurity expertise in the Union, the Competence Centre and its bodies should also be able to call upon the expertise of natural persons as ad-hoc experts.
- (35) The Competence Centre should cooperate and ensure synergies with ENISA and should receive relevant input from ENISA when defining funding priorities.
- (36) In order to respond to the needs of both the demand and supply sides of cybersecurity, the Competence Centre's task of providing cybersecurity knowledge and technical assistance to industries should refer to both ICT products, processes and services and to all other technological products and processes in which cybersecurity is to be embedded. Where it so requests, the public sector could also benefit from support from the Competence Centre.
- (37) In order to establish a sustainable cybersecurity environment, it is important that security by design is used as a principle in the process of developing, maintaining, operating and updating infrastructures, products and services, in particular by supporting state-of-the-art secure development methods, adequate security testing and security audits, by making available updates remedying known vulnerabilities or threats without delay and, where possible, by enabling third parties to create and provide updates beyond the respective end-of-service of products. Security by design should be ensured throughout the lifetime of ICT products, services or process and by the development processes that constantly evolve to reduce the risk of harm from malicious exploitation.

- (38) Whereas the Competence Centre and the Network should strive to enhance synergies and coordination between the cybersecurity civilian and defence spheres, projects under this Regulation that are financed by Horizon Europe should be implemented in accordance with Regulation (EU) 2021/695, which provides that research and innovation activities carried out under Horizon Europe are to have an exclusive focus on civil applications.
- (39) This Regulation applies primarily to civilian matters, but Member States' activities under this Regulation may reflect specificities of Member States in cases when cybersecurity policy is pursued by authorities carrying out both civilian and military tasks, should strive for complementarity and should avoid overlap with defence-related funding instruments.
- (40) This Regulation should ensure the liability and transparency of the Competence Centre and those undertakings receiving funding, in line with the relevant programme Regulations.
- (41) The implementation of deployment projects, in particular deployment projects that relate to infrastructures and capabilities deployed at Union level or through joint procurement, could be divided into different phases of implementation, such as separate tenders for the design of hardware and software architecture, their production and their operation and maintenance, whereas businesses could participate only in one of the phases each and, where appropriate, could require that the beneficiaries in one or several of those phases meet certain conditions in terms of European ownership or control.
- (42) In view of its expertise in cybersecurity and its mandate as a reference point for advice and expertise on cybersecurity for Union institutions, bodies, offices and agencies as well as for relevant Union stakeholders, and in view of its collection of input through its tasks, ENISA should play an active part in the activities of the Competence Centre, including the development of the Agenda, avoiding any duplication of their tasks, in particular through its role as permanent observer in the Governing Board of the Competence Centre. Regarding the drafting of the Agenda, the annual work programme and the multiannual work programme, the Executive Director of the Competence Centre and the Governing Board should take into account any relevant strategic advice and input provided by ENISA, in accordance with the rules of procedure of the Governing Board.
- (43) Where they receive a financial contribution from the general budget of the Union, the national coordination centres and the entities which are part of the Community should publicise the fact that their respective activities are undertaken in the context of this Regulation.
- (44) The costs arising from the establishment of the Competence Centre and from the administrative and coordination activities of the Competence Centre should be financed by the Union and by the Member States, in proportion to the voluntary contributions from the Member States to joint actions. In order to avoid double funding, those activities should not benefit simultaneously from a contribution from other Union programmes.
- (45) The Governing Board, which should be composed of representatives from the Member States and the Commission, should define the general direction of the Competence Centre's operations and should ensure that the Competence Centre carries out its tasks in accordance with this Regulation. The Governing Board should adopt the Agenda.
- (46) The Governing Board should be entrusted with the powers necessary to establish the budget of the Competence Centre. It should verify the execution of the budget, should adopt appropriate financial rules, and should establish transparent working procedures for the Competence Centre's decision-making, including for the adoption, reflecting the Agenda, of the annual work programme and the multiannual work programme. The Governing Board should also adopt its rules of procedure, should appoint the Executive Director and should decide on any extension or termination of the Executive Director's term of office.
- (47) The Governing Board should have oversight of the strategic and implementation activities of the Competence Centre and should ensure that those activities are aligned. In its annual report, the Competence Centre should put special emphasis on the strategic goals that it has achieved and, if necessary, propose actions for further improvement of the achievement of those strategic goals.
- (48) In order for the Competence Centre to function properly and effectively, the Commission and the Member States should ensure that the persons to be appointed to the Governing Board have appropriate professional expertise and experience in functional areas. The Commission and the Member States should also make efforts to limit the turnover of their respective representatives on the Governing Board in order to ensure the continuity of its work.

- (49) In view of the Competence Centre's specific status and its responsibility for the implementation of Union funds, in particular those from Horizon Europe and the Digital Europe Programme, the Commission should have 26 % of the total votes in the Governing Board in respect of decisions involving Union funds, in order to maximise the Union value added of those decisions, while ensuring that those decisions are legal and are aligned with Union priorities.
- (50) The smooth functioning of the Competence Centre requires that its Executive Director be appointed in a transparent manner, on the basis of merit, documented administrative and managerial skills and competence and experience relevant to cybersecurity, and that the duties of the Executive Director be carried out with complete independence.
- (51) The Competence Centre should have a Strategic Advisory Group as an advisory body. The Strategic Advisory Group should provide advice on the basis of a regular dialogue between the Competence Centre and the Community, which should be formed by the representatives of the private sector, consumers' organisations, academia and other relevant stakeholders. The Strategic Advisory Group should focus on issues relevant to stakeholders and bring them to the attention of the Governing Board and the Executive Director. The tasks of the Strategic Advisory Group should include providing advice regarding the Agenda, the annual work programme and the multiannual work programme. The representation of the different stakeholders in the Strategic Advisory Group should be balanced, with particular attention paid to the representation of SMEs, in order to ensure that stakeholders are appropriately represented in the work of the Competence Centre.
- (52) Contributions of the Member States to the resources of the Competence Centre could be financial or in-kind. For example, such financial contributions could consist of a grant given by a Member State to a beneficiary in that Member State that complements Union financial support given to a project under the annual work programme. On the other hand, in-kind contributions would typically be made where a Member State entity is itself the beneficiary of Union financial support. For example, if the Union subsidises an activity of a national coordination centre at a financing rate of 50 %, the remaining costs of the activity would be accounted for as an in-kind contribution. In another example, if a Member State entity receives Union financial support for creating or upgrading infrastructure that is to be shared among stakeholders in line with the annual work programme, the related non-subsidised costs would be accounted for as in-kind contributions.
- (53) In accordance with the relevant provisions of Delegated Regulation (EU) 2019/715 on conflicts of interest, the Competence Centre should have in place rules regarding the prevention, identification and resolution and management of conflicts of interest in respect of its members, bodies and staff, the Governing Board, as well as the Strategic Advisory Group and the Community. Member States should ensure the prevention, identification, and resolution of conflicts of interest in respect of the national coordination centres in accordance with national law. The Competence Centre should also apply relevant Union law concerning public access to documents as set out in Regulation (EC) No 1049/2001 of the European Parliament and of the Council⁽⁹⁾. The processing of personal data by the Competence Centre should be subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽¹⁰⁾. The Competence Centre should comply with the provisions of Union law that apply to Union institutions, and with national law regarding the handling of information, in particular the handling of sensitive non-classified information and EU classified information.
- (54) The financial interests of the Union and of the Member States should be protected by proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of lost, wrongly paid or incorrectly used funds and, where appropriate, the application of administrative and financial penalties in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁽¹¹⁾ (the 'Financial Regulation').
- (55) The Competence Centre should operate in an open and transparent way. It should provide all relevant information in a timely manner and should promote its activities, including information and dissemination activities to the wider public. The rules of procedure of the Governing Board of the Competence Centre and of the Strategic Advisory Group should be made publicly available.

⁽⁹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

⁽¹⁰⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽¹¹⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (56) The Commission's internal auditor should exercise the same powers over the Competence Centre as those exercised in respect of the Commission.
- (57) The Commission, the Court of Auditors and the European Anti-Fraud Office should get access to all necessary information and the premises of the Competence Centre to conduct audits and investigations on the grants, contracts and agreements signed by the Competence Centre.
- (58) Since the objectives of this Regulation, namely strengthening the Union's competitiveness and capacities, retaining and developing Union's cybersecurity research technological and industrial capacities, increasing the competitiveness of the Union's cybersecurity industry and turning cybersecurity into a competitive advantage for other Union industries, cannot be sufficiently achieved by the Member States alone, due to the fact that existing, limited resources are dispersed and due to the scale of the investment necessary, but can rather, by reason of avoiding unnecessary duplication of those efforts, helping to achieve critical mass of investment, ensuring that public financing is used in an optimal way and ensuring that a high level of cybersecurity is promoted in all Member States, 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 (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions and principles of the Competence Centre and the Network

Article 1

Subject matter and scope

1. This Regulation establishes the European Cybersecurity Industrial, Technology and Research Competence Centre (the 'Competence Centre') and the Network of National Coordination Centres (the 'Network'). It lays down rules for the nomination of national coordination centres as well as rules for the establishment of the Cybersecurity Competence Community (the 'Community').
2. The Competence Centre shall have an essential role in the implementation of the cybersecurity part of the Digital Europe Programme, in particular with regard to actions related to Article 6 of Regulation (EU) 2021/694, and shall contribute to the implementation of Horizon Europe, in particular with regard to Section 3.1.3 of Pillar II of Annex I to Council Decision (EU) 2021/764 ⁽¹²⁾.
3. Member States shall collectively contribute to the work of the Competence Centre and the Network.
4. This Regulation is without prejudice to the competences of the Member States regarding public security, defence, national security and the activities of the state in areas of criminal law.

Article 2

Definitions

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

- (1) 'cybersecurity' means the activities necessary to protect network and information systems, the users of such systems, and other persons affected by cyber threats;
- (2) 'network and information system' means a network and information system as defined in point (1) of Article 4 of Directive (EU) 2016/1148;
- (3) 'cybersecurity products, services and processes' means commercial and non-commercial ICT products, services or processes with the specific purpose of protecting network and information systems or ensuring the confidentiality, integrity and accessibility of data that are processed or stored in network and information systems, as well as the cybersecurity of the users of such systems and other persons affected by cyber threats;
- (4) 'cyber threat' means any potential circumstance, event or action that could damage, disrupt or otherwise adversely impact network and information systems, the users of such systems and other persons;

⁽¹²⁾ Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU (OJ L 167 I, 12.5.2021, p. 1).

- (5) 'joint action' means an action that is included in the annual work programme and that receives financial support from Horizon Europe, the Digital Europe Programme or other Union programmes as well as financial or in-kind support by one or more Member States, and which is implemented via projects involving beneficiaries that are established in and receive financial or in-kind support from those Member States;
- (6) 'in-kind contribution' means eligible costs incurred by national coordination centres and other public entities when they participate in projects funded through this Regulation, where those costs are not financed by a Union contribution or by financial contributions from Member States;
- (7) 'European Digital Innovation Hub' means a European Digital Innovation Hub as defined in point (e) of Article 2 of Regulation (EU) 2021/694;
- (8) 'Agenda' means a comprehensive and sustainable cybersecurity industrial, technology and research strategy which sets out strategic recommendations for the development and growth of the European cybersecurity industrial, technological and research sector and strategic priorities for the Competence Centre's activities and is not binding with respect to decisions to be taken on the annual work programmes;
- (9) 'technical assistance' means assistance by the Competence Centre to the national coordination centres or the Community in the performance of their tasks by providing knowledge or facilitating access to expertise in the area of cybersecurity research, technology and industry, facilitating networking, raising awareness and promoting cooperation, or means assistance by the Competence Centre together with the national coordination centres to stakeholders with respect to the preparation of projects in relation to the mission of the Competence Centre and the Network and the objectives of the Competence Centre.

Article 3

Mission of the Competence Centre and the Network

1. The mission of the Competence Centre and the Network is to help the Union to:
 - (a) strengthen its leadership and strategic autonomy in the area of cybersecurity by retaining and developing the Union's research, academic, societal, technological and industrial cybersecurity capacities and capabilities necessary to enhance trust and security, including the confidentiality, integrity and accessibility of data, in the Digital Single Market;
 - (b) support Union technological capacities, capabilities and skills in relation to the resilience and reliability of the infrastructure of network and information systems, including critical infrastructure and commonly used hardware and software in the Union; and
 - (c) increase the global competitiveness of the Union's cybersecurity industry, ensure high cybersecurity standards throughout the Union and turn cybersecurity into a competitive advantage for other Union industries.
2. The Competence Centre and the Network shall undertake their tasks in collaboration with ENISA and the Community, as appropriate.
3. The Competence Centre shall, in accordance with the legislative acts establishing the relevant programmes, in particular Horizon Europe and the Digital Europe Programme, use relevant Union financial resources in such a way as to contribute to the mission set out in paragraph 1.

Article 4

Objectives of the Competence Centre

1. The Competence Centre shall have the overall objective of promoting research, innovation and deployment in the area of cybersecurity in order to fulfil the mission as set out in Article 3.
2. The Competence Centre shall have the following specific objectives:
 - (a) enhancing cybersecurity capacities, capabilities, knowledge and infrastructure for the benefit of industry, in particular SMEs, research communities, the public sector and civil society, as appropriate;
 - (b) promoting cybersecurity resilience, the uptake of cybersecurity best practices, the principle of security by design, and the certification of the security of digital products and services, in a manner that complements the efforts of other public entities;
 - (c) contributing to a strong European cybersecurity ecosystem which brings together all relevant stakeholders.

3. The Competence Centre shall implement the specific objectives referred to in paragraph 2 by:
 - (a) establishing strategic recommendations for research, innovation and deployment in cybersecurity in accordance with Union law and setting out strategic priorities for the Competence Centre's activities;
 - (b) implementing actions under relevant Union funding programmes in accordance with the relevant work programmes and the Union legislative acts establishing those funding programmes;
 - (c) fostering cooperation and coordination among the national coordination centres and with and within the Community; and
 - (d) where relevant and appropriate, acquiring and operating ICT infrastructure and services where necessary to fulfil the tasks set out in Article 5 and in accordance with the respective work programmes set out in point (b) of Article 5(3).

Article 5

Tasks of the Competence Centre

1. In order to fulfil its mission and objectives, the Competence Centre shall have the following tasks:
 - (a) strategic tasks; and
 - (b) implementation tasks.
2. The strategic tasks referred to in point (a) of paragraph 1 shall consist of:
 - (a) developing and monitoring the implementation of the Agenda;
 - (b) through the Agenda and the multiannual work programme, while avoiding any duplication of activities with ENISA and taking into account the need to create synergies between cybersecurity and other parts of Horizon Europe and the Digital Europe Programme:
 - (i) establishing priorities for the work of the Competence Centre in relation to:
 - (1) the enhancement of cybersecurity research and innovation, covering the entire innovation cycle, and the deployment of that research and innovation;
 - (2) the development of cybersecurity industrial, technological and research capacities, capabilities, and infrastructure;
 - (3) the reinforcement of cybersecurity and technology skills and competence in industry, technology and research and at all relevant educational levels, supporting gender balance;
 - (4) the deployment of cybersecurity products, services and processes;
 - (5) support for the uptake by the market of cybersecurity products, services and processes contributing to the mission set out in Article 3;
 - (6) support for the adoption and integration of state-of-the-art cybersecurity products, services and processes by public authorities at their request, by demand-side industries and by other users;
 - (ii) supporting the cybersecurity industry, in particular SMEs, with a view to strengthening Union excellence, capacity and competitiveness with regard to cybersecurity, including with a view to connecting to potential markets and deployment opportunities, and to attracting investment; and
 - (iii) providing support and technical assistance to cybersecurity start-ups, SMEs, microenterprises, associations, individual experts and civic technology projects;
 - (c) ensuring synergies between and cooperation with relevant Union institutions, bodies, offices and agencies, in particular ENISA, while avoiding any duplication of activities with those Union institutions, bodies, offices and agencies;
 - (d) coordinating national coordination centres through the Network and ensuring a regular exchange of expertise;

- (e) providing expert cybersecurity industrial, technology and research advice to Member States at their request, including with regard to the procurement and deployment of technologies;
- (f) facilitating collaboration and the sharing of expertise among all relevant stakeholders, in particular members of the Community;
- (g) attending Union, national and international conferences, fairs and forums related to the mission, objectives and tasks of the Competence Centre with the aim of sharing views and exchanging relevant best practices with other participants;
- (h) facilitating the use of results from research and innovation projects in actions related to the development of cybersecurity products, services and processes, while seeking to avoid the fragmentation and duplication of efforts and replicating good cybersecurity practices and cybersecurity products, services and processes, in particular those developed by SMEs and those using open source software.

3. The implementation tasks referred to in point (b) of paragraph 1 shall consist of:

- (a) coordinating and administrating the work of the Network and the Community in order to fulfil the mission set out in Article 3, in particular by supporting cybersecurity start-ups, SMEs, microenterprises, associations and civic technology projects in the Union and facilitating their access to expertise, funding, investment and markets;
- (b) establishing and implementing the annual work programme, in accordance with the Agenda and the multiannual work programme, for the cybersecurity parts of:
 - (i) the Digital Europe Programme, in particular actions related to Article 6 of Regulation (EU) 2021/694;
 - (ii) joint actions receiving support under the provisions that relate to cybersecurity in Horizon Europe, in particular with regard to Section 3.1.3 of Pillar II of Annex I to Decision (EU) 2021/764, in accordance with the multiannual work programme and the strategic planning process of Horizon Europe; and
 - (iii) other programmes where provided for in the relevant legislative acts of the Union;
- (c) supporting, where appropriate, the achievement of Specific Objective 4 – ‘Advanced Digital Skills’ as set out in Article 7 of Regulation (EU) 2021/694, in cooperation with European Digital Innovation Hubs;
- (d) providing expert advice on cybersecurity industry, technology and research to the Commission when the Commission prepares draft work programmes pursuant to Article 13 of Decision (EU) 2021/764;
- (e) carrying out or enabling the deployment of ICT infrastructure and facilitating the acquisition of such infrastructure, for the benefit of society, industry and the public sector, at the request of Member States, research communities and operators of essential services, by means of, inter alia, contributions from Member States and Union funding for joint actions, in accordance with the Agenda, the annual work programme and the multiannual work programme;
- (f) raising awareness of the mission of the Competence Centre and the Network and of the objectives and tasks of the Competence Centre;
- (g) without prejudice to the civilian nature of projects to be financed from Horizon Europe, and in accordance with Regulations (EU) 2021/695 and (EU) 2021/694, enhancing synergies and coordination between the cybersecurity civilian and defence spheres, by facilitating the exchange of:
 - (i) knowledge and information with regard to dual-use technologies and applications;
 - (ii) results, requirements and best practices; and
 - (iii) information with regard to the priorities of relevant Union programmes.

4. The Competence Centre shall carry out the tasks set out in paragraph 1 in close cooperation with the Network.

5. In accordance with Article 6 of Regulation (EU) 2021/695 and subject to a contribution agreement as defined in point (18) of Article 2 of the Financial Regulation, the Competence Centre may be entrusted with the implementation of the cybersecurity parts under Horizon Europe that are not co-funded by the Member States, in particular with regard to Section 3.1.3 of Pillar II of Annex I to Decision (EU) 2021/764.

Article 6

Nomination of national coordination centres

1. By 29 December 2021, each Member State shall nominate one entity which fulfils the criteria laid down in paragraph 5 to act as its national coordination centre for the purposes of this Regulation. Each Member State shall notify that entity to the Governing Board without delay. Such entity may be an entity already established in that Member State.

The deadline set out in the first subparagraph of this paragraph shall be extended for the period during which the Commission is to issue the opinion referred to in paragraph 2.

2. At any time, a Member State may ask the Commission for an opinion concerning whether the entity that the Member State has nominated or intends to nominate to act as its national coordination centre has the necessary capacity to manage funds to fulfil the mission and objectives laid down in this Regulation. The Commission shall issue its opinion to that Member State within three months of the Member State's request.

3. On the basis of the notification by a Member State of an entity as referred to in paragraph 1, the Governing Board shall list that entity as a national coordination centre no later than three months after the notification. The Competence Centre shall publish the list of nominated national coordination centres.

4. A Member State may at any time nominate a new entity to act as its national coordination centre for the purposes of this Regulation. Paragraphs 1, 2 and 3 shall apply to the nomination of any new entity.

5. The national coordination centre shall be a public sector entity or an entity, a majority of which is owned by the Member State, which performs public administrative functions under national law, including by means of delegation, and having the capacity to support the Competence Centre and the Network in fulfilling their mission as set out in Article 3 of this Regulation. It shall either possess or have access to research and technological expertise in cybersecurity. It shall have the capacity to engage effectively and coordinate with industry, the public sector, the academic and research community and citizens, as well as with authorities designated pursuant to Directive (EU) 2016/1148.

6. At any time, a national coordination centre may request to be recognised as having the necessary capacity to manage funds to fulfil the mission and objectives laid down in this Regulation, in accordance with Regulations (EU) 2021/695 and (EU) 2021/694. Within three months of such a request, the Commission shall assess whether that national coordination centre has such capacity and shall issue a decision.

Where the Commission has provided a positive opinion to a Member State in accordance with the procedure laid down in paragraph 2, that opinion shall be deemed to be a decision recognising the relevant entity as having the necessary capacity for the purposes of this paragraph.

No later than 29 August 2021, after consulting the Governing Board, the Commission shall issue guidelines on the assessment referred to in the first subparagraph, including a specification of the conditions for recognition and how opinions and assessments are conducted.

Before issuing the opinion referred to in paragraph 2 and the decision referred to in the first subparagraph of this paragraph, the Commission shall take into account any information and documentation provided by the requesting national coordination centre.

Any decision not to recognise a national coordination centre as having the necessary capacity to manage funds to fulfil the mission and objectives laid down in this Regulation shall be duly reasoned, setting out the requirements the requesting national coordination centre has not yet fulfilled that justify the decision to withhold recognition. Any national coordination centre whose request for recognition has been rejected may resubmit its request with additional information at any time.

Member States shall inform the Commission in the event of changes to the national coordination centre, such as the composition of the national coordination centre, the legal form of the national coordination centre or other relevant aspects, that affect its capacity to manage funds to fulfil the mission and objectives laid down in this Regulation. On receiving such information the Commission may review a decision to grant or withhold recognition of the national coordination centre as having the necessary capacity to manage funds accordingly.

7. The Network shall be composed of all the national coordination centres that have been notified to the Governing Board by the Member States.

Article 7

Tasks of the national coordination centres

1. The national coordination centres shall have the following tasks:
 - (a) acting as points of contact at national level for the Community to support the Competence Centre in fulfilling its mission and objectives, in particular in coordinating the Community through the coordination of Community members in their Member States;
 - (b) providing expertise and actively contributing to the strategic tasks set out in Article 5(2), taking into account relevant national and regional challenges for cybersecurity in different sectors;
 - (c) promoting, encouraging and facilitating the participation of civil society, industry, in particular start-ups and SMEs, the academic and research communities and other stakeholders at national level in cross-border projects and in cybersecurity actions funded by relevant Union programmes;
 - (d) providing technical assistance to stakeholders by supporting them in the application phase for projects managed by the Competence Centre in relation to its mission and objectives, and in full compliance with the rules of sound financial management, especially with regard to conflicts of interest;
 - (e) seeking to establish synergies with relevant activities at national, regional and local level, such as national policies on research, development and innovation in the area of cybersecurity, in particular those policies stated in the national cybersecurity strategies;
 - (f) implementing specific actions for which grants have been awarded by the Competence Centre, including through the provision of financial support to third parties in accordance with Article 204 of the Financial Regulation under conditions specified in the grant agreements concerned;
 - (g) without prejudice to the competences of Member States for education and taking into account the relevant tasks of ENISA, engaging with national authorities regarding possible contributions to promoting and disseminating cybersecurity educational programmes;
 - (h) promoting and disseminating the relevant outcomes of the work of the Network, the Community and the Competence Centre at national, regional or local level;
 - (i) assessing requests by entities established in the same Member State as the national coordination centre to become part of the Community;
 - (j) advocating and promoting the involvement of relevant entities in the activities arising from the Competence Centre, the Network and the Community, and monitoring, as appropriate, the level of engagement with and the amount of public financial support awarded for cybersecurity research, developments and deployments.
2. For the purposes of point (f) of paragraph 1 of this Article, the financial support to third parties may be provided in any of the forms of Union contribution specified in Article 125 of the Financial Regulation, including in the form of lump sums.
3. On the basis of a decision as referred to in Article 6(6) of this Regulation, national coordination centres may receive a grant from the Union in accordance with point (d) of the first paragraph of Article 195 of the Financial Regulation in relation to carrying out the tasks laid down in this Article.
4. National coordination centres shall, where relevant, cooperate through the Network.

Article 8

The Cybersecurity Competence Community

1. The Community shall contribute to the mission of the Competence Centre and the Network set out in Article 3 and shall enhance, share and disseminate cybersecurity expertise across the Union.

2. The Community shall consist of industry, including SMEs, academic and research organisations, other relevant civil society associations as well as, as appropriate, relevant European Standardisation Organisations, public entities and other entities dealing with cybersecurity operational and technical matters and, where relevant, stakeholders in sectors that have an interest in cybersecurity and that face cybersecurity challenges. The Community shall bring together the main stakeholders with regard to cybersecurity technological, industrial, academic and research capacities in the Union. It shall involve national coordination centres, European Digital Innovation Hubs, where relevant, as well as Union institutions, bodies, offices and agencies with relevant expertise, such as ENISA.

3. Only entities which are established within the Member States shall be registered as members of the Community. They shall demonstrate that they are able to contribute to the mission and shall have cybersecurity expertise with regard to at least one of the following domains:

- (a) academia, research or innovation;
- (b) industrial or product development;
- (c) training and education;
- (d) information security or incident response operations;
- (e) ethics;
- (f) formal and technical standardisation and specifications.

4. The Competence Centre shall register entities, at their request, as members of the Community after an assessment made by the national coordination centre of the Member State in which those entities are established to confirm that those entities meet the criteria set out in paragraph 3 of this Article. That assessment shall also take into account any relevant national assessment on security grounds made by the national competent authorities. Such registrations shall not be limited in time but may be revoked by the Competence Centre at any time if the relevant national coordination centre considers that the entity concerned no longer fulfils the criteria set out in paragraph 3 of this Article or falls under Article 136 of the Financial Regulation, or on justified security grounds. Where membership in the Community is revoked on security grounds, the decision to revoke shall be proportional and reasoned. The national coordination centres shall aim to achieve a balanced representation of stakeholders in the Community and actively stimulate participation, in particular of SMEs.

5. National coordination centres shall be encouraged to cooperate through the Network in order to harmonise the way in which they apply the criteria set out in paragraph 3 and the procedures for assessing and registering entities referred to in paragraph 4.

6. The Competence Centre shall register relevant Union institutions, bodies, offices and agencies as members of the Community after carrying out an assessment to confirm that that Union institution, body, office or agency meets the criteria set out in paragraph 3 of this Article. Such registrations shall not be limited in time but may be revoked by the Competence Centre at any time if it considers that the Union institution, body, office or agency no longer fulfils the criteria set out in paragraph 3 of this Article or falls under Article 136 of the Financial Regulation.

7. Representatives of the Union institutions, bodies, offices and agencies may participate in the work of the Community.

8. An entity registered as a member of the Community shall designate its representatives to ensure an efficient dialogue. Those representatives shall have expertise with regard to cybersecurity research, technology or industry. The requirements may be further specified by the Governing Board, without unduly limiting the entities in the designation of their representatives.

9. The Community, through its working groups and in particular through the Strategic Advisory Group, shall provide the Executive Director and the Governing Board with strategic advice on the Agenda, the annual work programme and the multiannual work programme, in accordance with the rules of procedure of the Governing Board.

*Article 9***Tasks of the members of the Community**

The members of the Community shall:

- (a) support the Competence Centre in fulfilling its mission and objectives and, for that purpose, shall work closely with the Competence Centre and the national coordination centres;
- (b) where relevant, participate in formal or informal activities and in the working groups referred to in point (n) of Article 13(3) to carry out specific activities as provided by the annual work programme; and
- (c) where relevant, support the Competence Centre and the national coordination centres in promoting specific projects.

*Article 10***Cooperation of the Competence Centre with other Union institutions, bodies, offices and agencies and international organisations**

1. To ensure consistency and complementarity while avoiding any duplication of effort, the Competence Centre shall cooperate with relevant Union institutions, bodies, offices and agencies, including ENISA, the European External Action Service, the Directorate-General Joint Research Centre of the Commission, the European Research Executive Agency, the European Research Council Executive Agency and the European Health and Digital Executive Agency established by Commission Implementing Decision (EU) 2021/173⁽¹³⁾, relevant European Digital Innovation Hubs, the European Cybercrime Centre at the European Union Agency for Law Enforcement Cooperation established by Regulation (EU) 2016/794 of the European Parliament and of the Council⁽¹⁴⁾, the European Defence Agency in relation to the tasks set out in Article 5 of this Regulation and other relevant Union entities. The Competence Centre may also cooperate with international organisations, where relevant.

2. Cooperation as referred to in paragraph 1 of this Article may take place within the framework of working arrangements. Those arrangements shall be submitted for the approval of the Governing Board. Any sharing of classified information shall take place within the framework of administrative arrangements concluded in accordance with Article 36(3).

CHAPTER II

Organisation of the Competence Centre*Article 11***Membership and structure**

1. The members of the Competence Centre shall be the Union, represented by the Commission, and the Member States.
2. The structure of the Competence Centre shall ensure the achievement of the objectives set out in Article 4 and the tasks set out in Article 5, and shall comprise:
 - (a) a Governing Board;
 - (b) an Executive Director;
 - (c) a Strategic Advisory Group.

⁽¹³⁾ Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU (OJ L 50, 15.2.2021, p. 9).

⁽¹⁴⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council, of 11 May 2016, on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

Section I

Governing Board

Article 12

Composition of the Governing Board

1. The Governing Board shall be composed of one representative of each Member State and two representatives of the Commission who act on behalf of the Union.
2. Each member of the Governing Board shall have an alternate. That alternate shall represent the member in the member's absence.
3. Members of the Governing Board appointed by Member States and their alternates shall be public sector staff in their respective Member State and shall be appointed on the basis of their knowledge in the area of cybersecurity research, technology and industry, their ability to ensure the coordination of actions and positions with their respective national coordination centre, or their relevant managerial, administrative and budgetary skills. The Commission shall appoint its members of the Governing Board and their alternates on the basis of their knowledge in the area of cybersecurity, technology, or their relevant managerial, administrative and budgetary skills and of their ability to ensure coordination, synergies and, as far as possible, joint initiatives between different sectoral or horizontal Union policies involving cybersecurity. The Commission and the Member States shall make efforts to limit the turnover of their representatives in the Governing Board, in order to ensure the continuity of the Governing Board's work. The Commission and the Member States shall aim to achieve a balanced representation between men and women on the Governing Board.
4. The term of office of members of the Governing Board and of their alternates shall be four years. That term shall be renewable.
5. The members of the Governing Board shall ensure that the Competence Centre's mission, objectives, identity and autonomy are safeguarded and that its actions are consistent with that mission and those objectives, in an independent and transparent way.
6. The Governing Board may invite observers to take part in its meetings as appropriate, including representatives of relevant Union institutions, bodies, offices and agencies, and the members of the Community.
7. A representative from ENISA shall be a permanent observer in the Governing Board. The Governing Board may invite a representative from the Strategic Advisory Group to attend its meetings.
8. The Executive Director shall take part in the meetings of the Governing Board but shall have no right to vote.

Article 13

Tasks of the Governing Board

1. The Governing Board shall have the overall responsibility for the strategic orientation and the operations of the Competence Centre, shall supervise the implementation of its activities and shall be responsible for any task that is not specifically allocated to the Executive Director.
2. The Governing Board shall adopt its rules of procedure. Those rules of procedure shall include specific procedures for identifying and avoiding conflicts of interest and shall ensure the confidentiality of any sensitive information.
3. The Governing Board shall take necessary strategic decisions, in particular with regard to:
 - (a) the development and adoption of the Agenda and the monitoring of its implementation;
 - (b) reflecting the Union's policy priorities and the Agenda, the adoption of the multiannual work programme containing common, industrial, technology and research priorities which are based on the needs identified by Member States in cooperation with the Community and which require the focus of Union financial support, including key technologies and domains for developing the Union's own capabilities in cybersecurity;
 - (c) the adoption of the annual work programme for implementing the relevant Union funds, in particular the cybersecurity parts of Horizon Europe insofar as they are co-financed voluntarily by Member States and of the Digital Europe Programme, in accordance with the Competence Centre's multiannual work programme and the strategic planning process of Horizon Europe;

- (d) the adoption of the Competence Centre's annual accounts, balance sheet and annual activity report, on the basis of a proposal from the Executive Director;
- (e) the adoption of the specific financial rules of the Competence Centre in accordance with Article 70 of the Financial Regulation;
- (f) as part of the annual work programme, the allocation of funds from the Union budget to topics for joint actions between the Union and Member States;
- (g) as part of the annual work programme, and in accordance with the decisions referred to in point (f) of this subparagraph and in compliance with Regulations (EU) 2021/695 and (EU) 2021/694, the description of the joint actions referred to in point (f) of this subparagraph and the laying down of conditions for the implementation of such joint actions;
- (h) the adoption of a procedure for appointing the Executive Director and the appointment, dismissal, extension of the term of office of, provision of guidance to and the monitoring of the performance of the Executive Director;
- (i) the adoption of guidelines for assessing and registering entities as members of the Community;
- (j) the adoption of the working arrangements referred to in Article 10(2);
- (k) the appointment of the Accounting Officer;
- (l) the adoption of the annual budget of the Competence Centre, including the corresponding establishment plan indicating the number of temporary posts by function group and by grade, with the number of contract staff and seconded national experts being expressed in full-time equivalents;
- (m) the adoption of transparency rules for the Competence Centre and rules for the prevention and management of conflicts of interest, including in respect of the members of the Governing Board, in accordance with Article 42 of Delegated Regulation (EU) 2019/715;
- (n) the establishment of working groups within the Community, where relevant taking into account advice provided by the Strategic Advisory Group;
- (o) the appointment of members of the Strategic Advisory Group;
- (p) the adoption of rules on the reimbursement of expenses for members for the Strategic Advisory Group;
- (q) the setting up of a monitoring mechanism to ensure that the implementation of the respective funds managed by the Competence Centre is done in accordance with the Agenda, the mission, the multiannual work programme and the rules of the programmes that are the source of the relevant funding;
- (r) the ensuring of a regular dialogue and the establishment of an effective cooperation mechanism with the Community;
- (s) the establishment of the Competence Centre's communications policy on the basis of a recommendation by the Executive Director;
- (t) where appropriate, the establishment of rules implementing the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁵⁾ ('Staff Regulations' and 'Conditions of Employment'), in accordance with Article 30(3) of this Regulation;
- (u) where appropriate, the laying down of rules on the secondment of national experts to the Competence Centre and on the use of trainees in accordance with Article 31(2);
- (v) the adoption of security rules for the Competence Centre;
- (w) the adoption of an anti-fraud and anti-corruption strategy that is proportionate to the fraud and corruption risks, as well as the adoption of comprehensive measures, in accordance with applicable Union legislation, to protect persons who report infringements of Union law, having regard to a cost-benefit analysis of the measures to be implemented;
- (x) if necessary, the adoption of the methodology to calculate voluntary financial and in-kind contributions from contributing Member States in accordance with Regulations (EU) 2021/695 and (EU) 2021/694 or with any other applicable legislation;

⁽¹⁵⁾ OJ L 56, 4.3.1968, p. 1.

- (y) in the context of the annual work programme and the multiannual work programme, the ensuring of coherence and synergies with those parts of the Digital Europe Programme and Horizon Europe which are not managed by the Competence Centre, as well as with other Union programmes;
- (z) the adoption of the annual report on the implementation of the Competence Centre's strategic goals and priorities, if necessary with a recommendation for the better realisation of those goals and priorities.

Insofar the annual work programme contains joint actions, it shall contain information about Member States' voluntary contributions to joint actions. Where appropriate, proposals, in particular the proposal for the annual work programme, shall assess the need to apply security rules as set out in Article 33 of this Regulation, including the security self-assessment procedure in accordance with Article 20 of Regulation (EU) 2021/695.

4. Regarding the decisions set out in points (a), (b) and (c) of paragraph 3, the Executive Director and the Governing Board shall take into account any relevant strategic advice and input provided by ENISA, in accordance with the rules of procedure of the Governing Board.
5. The Governing Board shall be responsible for ensuring that the recommendations contained in the implementation report and the evaluation referred to in Article 38(2) and (4) are adequately followed up.

Article 14

Chairperson and meetings of the Governing Board

1. The Governing Board shall elect a Chairperson and a Deputy Chairperson from among its members, each for a period of three years. The mandate of the Chairperson and the Deputy Chairperson may be extended once by a decision by the Governing Board. If, however, the membership of the Governing Board of the Chairperson or Deputy Chairperson ends at any time during their terms of office, their terms of office shall automatically expire at that time. The Deputy Chairperson shall replace the Chairperson *ex officio* if the latter is unable to attend to his or her duties. The Chairperson shall take part in the voting.
2. The Governing Board shall hold ordinary meetings at least three times a year. It may hold extraordinary meetings at the request of the Commission, at the request of one third of all its members, at the request of the Chairperson, or at the request of the Executive Director in the fulfilment of his or her tasks.
3. The Executive Director shall take part in the deliberations of the Governing Board, unless decided otherwise by the Governing Board, but shall have no right to vote.
4. The Governing Board may invite other persons to attend its meetings as observers, on a case-by-case basis.
5. The Chairperson may invite representatives of the Community to take part in the meetings of the Governing Board, but they shall have no right to vote.
6. The members of the Governing Board and their alternates may be assisted at the meetings by advisers or experts, subject to the rules of procedure of the Governing Board.
7. The Competence Centre shall provide the secretariat for the Governing Board.

Article 15

Voting rules of the Governing Board

1. The Governing Board shall use a consensual approach in its discussions. A vote shall be held if the members of the Governing Board fail to achieve consensus.
2. If the Governing Board fails to achieve consensus on a matter, it shall take its decisions by a majority of at least 75 % of the votes of all its members, the representatives of the Commission constituting a single member for that purpose. An absent member of the Governing Board may delegate his or her vote to his or her alternate or, in the absence of his or her alternate, to another member. No member of the Governing Board shall represent more than one other member.

3. Decisions of the Governing Board on the joint actions and their management as referred to in points (f) and (g) of Article 13(3) shall be taken as follows:
 - (a) decisions to allocate funds from the Union budget to joint actions as referred to in point (f) of Article 13(3) and decisions to include such joint actions in the annual work programme shall be taken in accordance with paragraph 2 of this Article;
 - (b) decisions relating to the description of joint actions and laying down conditions for their implementation referred in point (g) of Article 13(3) shall be taken by participating Member States and the Commission, subject to the right to vote of the members being proportional to their respective contributions to that joint action, calculated in accordance with the methodology adopted pursuant to point (x) of Article 13(3).
4. For decisions which are taken under points (b), (c), (d), (e), (f), (k), (l), (p), (q), (t), (u), (w), (x) and (y) of Article 13(3), the Commission shall have 26 % of the total votes within the Governing Board.
5. For decisions other than those referred to in point (b) of paragraph 3 and in paragraph 4, each Member State and the Union shall have one vote. The vote of the Union shall be cast jointly by the two representatives of the Commission.
6. The Chairperson shall take part in the voting.

Section II

Executive Director

Article 16

Appointment, dismissal, and extension of the term of office, of the Executive Director

1. The Executive Director shall be a person with expertise and a strong reputation in the areas where the Competence Centre operates.
2. The Executive Director shall be engaged as a temporary agent of the Competence Centre under point (a) of Article 2 of the Conditions of Employment.
3. The Executive Director shall be appointed by the Governing Board from a list of candidates proposed by the Commission, following an open, transparent and non-discriminatory selection procedure.
4. For the purpose of concluding the contract of the Executive Director, the Competence Centre shall be represented by the Chairperson of the Governing Board.
5. The term of office of the Executive Director shall be four years. Before the end of that period, the Commission shall carry out an assessment which takes into account the evaluation of the performance of the Executive Director and the Competence Centre's future tasks and challenges.
6. The Governing Board, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 5, may extend the term of office of the Executive Director once for no more than four years.
7. An Executive Director whose term of office has been extended shall not participate in another selection procedure for the same post.
8. The Executive Director shall be removed from office only by a decision of the Governing Board, acting on a proposal from the Commission or from at least 50 % of the Member States.

Article 17

Tasks of the Executive Director

1. The Executive Director shall be responsible for operations and for the day-to-day management of the Competence Centre and shall be its legal representative. The Executive Director shall be accountable to the Governing Board and perform his or her duties with complete independence within the powers assigned to him or her. The Executive Director shall be supported by the staff of the Competence Centre.
2. The Executive Director shall carry out at least the following tasks in an independent manner:
 - (a) implement the decisions adopted by the Governing Board;
 - (b) support the Governing Board in its work, provide the secretariat for its meetings and supply all information necessary for the performance of its duties;

- (c) after consulting the Governing Board and the Commission and taking into account the input of the national coordination centres and the Community, prepare and submit for adoption to the Governing Board the Agenda, as well as, in accordance with the Agenda, the draft annual work programme and the draft multiannual work programme of the Competence Centre, including the scope of the calls for proposals, calls for expressions of interest and calls for tenders needed to implement the annual work programme and the corresponding expenditure estimates as proposed by the Member States and the Commission;
- (d) prepare and submit the draft annual budget to the Governing Board for adoption, including the corresponding establishment plan referred to in point (l) of Article 13(3), indicating the number of temporary posts in each grade and function group and the number of contract staff and seconded national experts, expressed in full-time equivalents;
- (e) implement the annual work programme and the multiannual work programme and report to the Governing Board with regard thereto;
- (f) prepare the draft annual activity report on the Competence Centre, including the information on corresponding expenditure and the implementation of the Agenda and the multiannual work programme; if necessary, that report shall be accompanied by proposals for the further improvement of the realisation or the reformulation of the strategic goals and priorities;
- (g) ensure the implementation of effective monitoring and evaluation procedures in relation to the performance of the Competence Centre;
- (h) prepare an action plan that follows up on the conclusions of the implementation report and the evaluation referred to in Article 38(2) and (4) and, every two years, submit reports on progress to the European Parliament and to the Commission;
- (i) prepare and conclude agreements with the national coordination centres;
- (j) be responsible for administrative, financial and staff matters, including the implementation of the Competence Centre's budget, taking due account of advice received from the relevant internal audit function, in accordance with the decisions referred to in points (e), (l), (t), (u), (v) and (w) of Article 13(3);
- (k) approve and manage the launch of calls for proposals, in accordance with the annual work programme, and administer the resulting grant agreements and decisions;
- (l) approve the list of actions selected for funding on the basis of a ranking list established by a panel of independent experts;
- (m) approve and manage the launch of calls for tenders, in accordance with the annual work programme, and administer the resulting contracts;
- (n) approve the tenders selected for funding;
- (o) submit the draft annual accounts and balance sheet to the relevant internal audit function, and subsequently to the Governing Board;
- (p) ensure that risk assessments and risk management are performed;
- (q) sign individual grant agreements, decisions and contracts;
- (r) sign procurement contracts;
- (s) prepare an action plan that follows up on the conclusions of internal or external audit reports, as well as investigations by the European Anti-Fraud Office (OLAF) established with Commission Decision 1999/352/EC, ECSC, Euratom⁽¹⁶⁾ and report on progress twice a year to the Commission and regularly to the Governing Board;
- (t) prepare draft financial rules applicable to the Competence Centre;
- (u) establish and ensure the functioning of an effective and efficient internal control system and report any significant change to it to the Governing Board;

⁽¹⁶⁾ Commission Decision 1999/352/EC, ECSC, Euratom of 28 April 1999 establishing the European Anti-fraud Office (OLAF) (OJ L 136, 31.5.1999, p. 20).

- (v) ensure effective communication with the Union's institutions and report, when invited, to the European Parliament and to the Council;
- (w) take any other measures needed to assess the Competence Centre's fulfilment of its mission and objectives;
- (x) perform any other tasks entrusted or delegated to him or her by the Governing Board.

Section III

Strategic Advisory Group

Article 18

Composition of the Strategic Advisory Group

1. The Strategic Advisory Group shall consist of no more than 20 members. The members shall be appointed by the Governing Board, acting on a proposal from the Executive Director, from among the representatives of the members of the Community other than representatives of Union institutions, bodies, offices and agencies. Only representatives of members which are not controlled by a third country or by an entity established in a third-country shall be eligible. The appointment shall be made in accordance with an open, transparent, and non-discriminatory procedure. The Governing Board shall aim for the composition of the Strategic Advisory Group to achieve a balanced representation of the Community between scientific, industrial and civil society entities, demand and supply-side industries, large enterprises and SMEs, as well as balanced representation in terms of geographical provenance and gender. It shall also aim to achieve an intra sectorial balance, having regard to the cohesion of the Union and all of the Member States in the area of cybersecurity research, industry and technology. The Strategic Advisory Group shall be composed so as to enable a comprehensive, ongoing and permanent dialogue between the Community and the Competence Centre.
2. Members of the Strategic Advisory Group shall have expertise with regard to cybersecurity research, industrial development, offering, implementing, or deploying professional services or products. The requirements for such expertise shall be further specified by the Governing Board.
3. Procedures concerning the appointment of the members of the Strategic Advisory Group and the operation of the Strategic Advisory Group shall be specified in the rules of procedure of the Governing Board and shall be made public.
4. The terms of office of members of the Strategic Advisory Group shall be two years. Those terms shall be renewable once.
5. Representatives of the Commission and of other Union institutions, bodies, offices and agencies, in particular ENISA, may be invited by the Strategic Advisory Group to participate in and support its work. The Strategic Advisory Group may invite additional representatives from the Community in the capacity of observer, adviser, or expert, as appropriate on a case-by-case basis, to take into account the dynamic of developments in the area of cybersecurity. Members of the Governing Board may participate as observers in the meetings of the Strategic Advisory Group.

Article 19

Functioning of the Strategic Advisory Group

1. The Strategic Advisory Group shall meet at least three times a year.
2. The Strategic Advisory Group shall provide advice to the Governing Board on the establishment of working groups within the Community, in accordance with point (n) of Article 13(3) on specific issues relevant to the work of the Competence Centre, whenever those issues directly relate to the tasks and areas of competence set out in Article 20. Where necessary, such working groups shall be subject to the overall coordination of one or more members of the Strategic Advisory Group.
3. The Strategic Advisory Group shall elect its Chair by a simple majority of its members.
4. The secretariat of the Strategic Advisory Group shall be provided by the Executive Director and the staff of the Competence Centre, using existing resources, with due regard to the overall workload of the Competence Centre. The resources assigned to the support of the Strategic Advisory Group shall be indicated in the draft annual budget.
5. The Strategic Advisory Group shall adopt its rules of procedure by a simple majority of its members.

*Article 20***Tasks of the Strategic Advisory Group**

The Strategic Advisory Group shall regularly advise the Competence Centre in respect of the performance of the Competence Centre's activities and shall ensure communication with the Community and other relevant stakeholders. The Strategic Advisory Group shall also:

- (a) taking into account contributions from the Community and the working groups referred to in point (n) of Article 13(3) where relevant, provide and update on an ongoing basis strategic advice and input to the Executive Director and the Governing Board with regard to the Agenda, the annual work programme and the multiannual work programme within the deadlines set by the Governing Board;
- (b) advise the Governing Board on the establishment of working groups within the Community in accordance with point (n) of Article 13(3) on specific issues relevant to the work of the Competence Centre;
- (c) subject to approval by the Governing Board, decide on and organise public consultations open to all public and private stakeholders who have an interest in the area of cybersecurity, in order to collect input for the strategic advice referred to in point (a).

*CHAPTER III***Financial provisions***Article 21***Union and Member States' financial contributions**

1. The Competence Centre shall be funded by the Union, while joint actions shall be funded by the Union and by voluntary contributions by the Member States.
2. The administrative and operational costs of joint actions shall be covered by the Union and by the Member States contributing to the joint actions, in accordance with Regulations (EU) 2021/695 and (EU) 2021/694.
3. The Union's contribution to the Competence Centre to cover administrative costs and operational costs shall comprise the following:
 - (a) up to EUR 1 649 566 000 from the Digital Europe Programme, including up to EUR 32 000 000 for administrative costs;
 - (b) an amount from Horizon Europe, including for administrative costs, for joint actions, such amount being equal to the amount contributed by Member States pursuant to paragraph 7 of this Article but not exceeding the amount determined in the strategic planning process of Horizon Europe to be carried out pursuant to Article 6(6) of Regulation (EU) 2021/695, in the annual work programme or in the multiannual work programme;
 - (c) an amount from the other relevant Union programmes, as needed for the implementation of the tasks or the achievement of the objectives of the Competence Centre, subject to decisions taken in accordance with the legal acts of the Union establishing those programmes.
4. The maximum Union contribution shall be paid from the appropriations in the general budget of the Union allocated to Digital Europe Programme, the specific programme implementing Horizon Europe established by Decision (EU) 2021/764 and other programmes and projects falling within the scope of the Competence Centre or the Network.
5. The Competence Centre shall implement cybersecurity actions of the Digital Europe Programme and Horizon Europe in accordance with point (c)(iv) of the first subparagraph of Article 62(1) of the Financial Regulation.
6. Contributions from Union programmes other than those referred to in paragraphs 3 and 4 that are part of the Union co-financing to a programme implemented by one of the Member States shall not be accounted for in the calculation of the Union maximum financial contribution referred to in those paragraphs.
7. Member States shall voluntarily take part in joint actions by means of voluntary financial and/or in-kind contributions. If a Member State takes part in a joint action, the financial contribution by that Member State shall cover administrative costs in proportion to its contribution to that joint action. The administrative costs of joint actions shall be met by financial contributions. The operational costs of joint actions may be met by financial or in-kind contributions, as provided for by Horizon Europe and the Digital Europe Programme. Contributions from each Member State may take the form of support that the Member State provides in a joint action to beneficiaries established in that Member State. In-kind contributions by Member States consist of the eligible costs incurred by

national coordination centres and other public entities when participating in projects funded through this Regulation, less any Union contribution to those costs. In the case of projects funded by Horizon Europe, eligible costs shall be calculated in accordance with Article 36 of Regulation (EU) 2021/695. In the case of projects funded by the Digital Europe Programme, eligible costs shall be calculated in accordance with the Financial Regulation.

The envisaged amount of total Member State voluntary contributions to joint actions under Horizon Europe, including financial contributions for administrative costs, shall be determined in order to be taken into account in the strategic planning process of Horizon Europe to be carried out pursuant to Article 6(6) of Regulation (EU) 2021/695, with input from the Governing Board. For actions under the Digital Europe Programme, notwithstanding Article 15 of Regulation (EU) 2021/694, the Member States may make a contribution to the costs of the Competence Centre that are co-financed from the Digital Europe Programme that is lower than the amounts specified in point (a) of paragraph 3 of this Article.

8. Member States' national co-funding of actions supported by Union programmes other than Horizon Europe and the Digital Europe Programme shall be considered to be Member States' national contributions insofar as those contributions are parts of joint actions and are included in the Competence Centre's work programme.

9. For the purpose of assessing the contributions referred to in paragraph 3 of this Article and in point (b) of Article 22(2), costs shall be determined in accordance with the usual cost accounting practices of the Member State concerned, the applicable accounting standards of the Member State concerned, and the applicable international accounting standards and international financial reporting standards. Costs shall be certified by an independent external auditor appointed by the Member State concerned. The valuation method may be verified by the Competence Centre if there is any uncertainty arising from the certification.

10. If any Member State is in default of its commitments concerning its financial or in-kind contributions to joint actions, the Executive Director shall notify the Member State concerned thereof in writing and shall set a reasonable period within which such default is to be remedied. If the situation is not remedied within that period, the Executive Director shall convene a meeting of the Governing Board to decide whether the defaulting participating Member State's right to vote is to be revoked or whether any other measures are to be taken until that Member State has met its obligations. The defaulting Member State's right to vote concerning joint actions shall be suspended until the default of its commitments is remedied.

11. The Commission may terminate, proportionally reduce or suspend the Union's financial contribution to joint actions if the contributing Member States do not contribute, contribute only partially or contribute late with regard to the contributions referred to in point (b) of paragraph 3. The termination, reduction or suspension of the Union's financial contribution by the Commission shall be proportionate in amount and time to the Member State's failure to contribute, partial contribution or late contribution.

12. The contributing Member States shall report by 31 January of each year to the Governing Board on the value of the contributions referred to in paragraph 7 for joint action with the Union made in each of the previous financial year.

Article 22

Costs and resources of the Competence Centre

1. The administrative costs of the Competence Centre shall in principle be covered by means of financial contributions from the Union on an annual basis. Additional financial contributions shall be made by contributing Member States in proportion to their voluntary contributions to joint actions. If part of the contribution for administrative costs is not used, it may be made available to cover the operational costs of the Competence Centre.

2. The operational costs of the Competence Centre shall be covered by means of:

- (a) the Union's financial contribution;
- (b) voluntary financial or in-kind contributions from the contributing Member States in the case of joint actions.

3. The resources of the Competence Centre entered into its budget shall be composed of the following contributions:

- (a) the Union's financial contributions to operational and administrative costs;
- (b) contributing Member States' voluntary financial contributions to administrative costs in the case of joint actions;
- (c) contributing Member States' voluntary financial contributions to operational costs in the case of joint actions;

- (d) any revenue generated by the Competence Centre;
 - (e) any other financial contributions, resources or revenues.
4. Any interest yielded by the contributions paid to the Competence Centre by the contributing Member States shall be considered to be the revenue of the Competence Centre.
 5. All resources of the Competence Centre and its activities shall be used to achieve its objectives.
 6. The Competence Centre shall own all assets that are generated by it or are transferred to it for the fulfilment of its objectives. Without prejudice to the applicable rules of the relevant funding programme, the ownership of assets that are generated or acquired in joint actions shall be decided in accordance with point (b) of Article 15(3).
 7. Except when the Competence Centre is wound up, any excess revenue over expenditure shall continue to be owned by the Competence Centre and shall not be paid to the contributing members of the Competence Centre.
 8. The Competence Centre shall cooperate closely with other Union institutions, bodies, offices and agencies, with due regard to their respective mandates and without duplicating existing cooperation mechanisms, in order to benefit from synergies with them and, where possible and appropriate, in order to reduce administrative costs.

Article 23

Financial commitments

The financial commitments of the Competence Centre shall not exceed the amount of financial resources available or committed to its budget by its members.

Article 24

Financial year

The financial year shall run from 1 January to 31 December.

Article 25

Establishment of the budget

1. Each year, the Executive Director shall draw up a draft statement of estimates of the Competence Centre's revenue and expenditure for the following financial year and shall forward it to the Governing Board, together with the draft establishment plan referred to in point (l) of Article 13(3). Revenue and expenditure shall be in balance. The expenditure of the Competence Centre shall include the staff, administrative, infrastructure and operational expenses. Administrative expenses shall be kept to a minimum, including by means of redeployment of staff or posts.
2. Each year, the Governing Board shall, on the basis of the draft statement of estimates of revenue and expenditure referred to in paragraph 1, produce a statement of estimates of revenue and expenditure for the Competence Centre for the following financial year.
3. The Governing Board shall, by 31 January of each year, send the statement of estimates referred to in paragraph 2 of this Article, which shall be part of the draft single programming document referred to in Article 32(1) of Delegated Regulation (EU) 2019/715, to the Commission.
4. On the basis of the statement of estimates referred to in paragraph 2 of this Article, the Commission shall enter in the draft budget of the Union the estimates it deems to be necessary for the establishment plan referred to in point (l) of Article 13(3) of this Regulation and the amount of the contribution to be charged to the general budget, which it shall submit to the European Parliament and the Council in accordance with Articles 313 and 314 of the Treaty on the Functioning of the European Union (TFEU).
5. The European Parliament and the Council shall authorise the appropriations for the contribution to the Competence Centre.
6. The European Parliament and the Council shall adopt the establishment plan referred to in point (l) of Article 13(3).

7. Together with the annual work programme and the multiannual work programme, the Governing Board shall adopt the Competence Centre's budget. It shall become final following the definitive adoption of the general budget of the Union. Where appropriate, the Governing Board shall adjust the Competence Centre's budget and the annual work programme in accordance with the general budget of the Union.

Article 26

Presentation of the Competence Centre's accounts and discharge

The presentation of the Competence Centre's provisional and final accounts and the discharge shall comply with the rules and timetable of the Financial Regulation and of the financial rules of the Competence Centre.

Article 27

Operational and financial reporting

1. The Executive Director shall report annually to the Governing Board on the performance of his or her duties in accordance with the financial rules of the Competence Centre.

2. Within two months of the end of each financial year, the Executive Director shall submit to the Governing Board for approval an annual activity report on the progress made by the Competence Centre in the previous calendar year, in particular in relation to the annual work programme for that year and the fulfilment of its strategic goals and priorities. That report shall include information on the following matters:

- (a) operational actions carried out and the corresponding expenditure;
 - (b) the actions submitted, including a breakdown by participant type, including SMEs, and by Member State;
 - (c) the actions selected for funding, including a breakdown by participant type, including SMEs, and by Member State and indicating the contribution of the Competence Centre to the individual participants and actions;
 - (d) the fulfilment of the mission and objectives laid down in this Regulation and proposals for further necessary work to fulfil that mission and those objectives;
 - (e) the consistency of the implementation tasks with the Agenda and the multiannual work programme.
3. Once approved by the Governing Board, the annual activity report shall be made publicly available.

Article 28

Financial rules

The Competence Centre shall adopt its specific financial rules in accordance with Article 70 of the Financial Regulation.

Article 29

Protection of financial interests of the Union

1. The Competence Centre shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by regular and effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive administrative penalties.

2. The Competence Centre shall grant Commission staff and other persons authorised by the Commission, as well as the Court of Auditors, access to the sites and premises of the Competence Centre and to all the information, including information in electronic format that is needed in order to conduct their audits.

3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Council Regulation (Euratom, EC) No 2185/96⁽¹⁷⁾ and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽¹⁸⁾ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant agreement or a contract funded, directly or indirectly, in accordance with this Regulation.

4. Without prejudice to paragraphs 1, 2 and 3, contracts and grant agreements resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Competence Centre, the Court of Auditors and OLAF to conduct such audits and investigations in accordance with their respective competences. Where the implementation of an action is outsourced or sub-delegated, in whole or in part, or where it requires the award of a procurement contract or financial support to a third party, the contract or grant agreement shall include the contractor's or beneficiary's obligation to impose on any third party involved explicit acceptance of those powers of the Commission, the Competence Centre, the Court of Auditors and OLAF.

CHAPTER IV

Competence Centre staff

Article 30

Staff

1. The Staff Regulations and Conditions of Employment and the rules adopted jointly by the institutions of the Union for the purpose of applying the Staff Regulations and Conditions of Employment shall apply to the staff of the Competence Centre.

2. The Governing Board shall exercise, with respect to the staff of the Competence Centre, the powers conferred by the Staff Regulations on the Appointing Authority and the powers conferred by the Conditions of Employment on the authority empowered to conclude contract (the 'appointing authority powers').

3. The Governing Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment delegating the relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation may be suspended. The Executive Director is authorised to sub-delegate those powers.

4. Where exceptional circumstances so require, the Governing Board may, through a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and any sub-delegation made by the latter. In such a case the Governing Board shall exercise itself the appointing authority powers or delegate them to one of its members or to a member of staff of the Competence Centre other than the Executive Director.

5. The Governing Board shall adopt implementing rules as regards the Staff Regulations and the Conditions of Employment in accordance with Article 110 of the Staff Regulations.

6. The staff resources shall be determined in the establishment plan referred to in point (l) of Article 13(3), indicating the number of temporary posts by function group and by grade and the number of contract staff expressed in full-time equivalents, in line with the annual budget of the Competence Centre.

7. The human resources required by the Competence Centre shall be met in the first instance by redeployment of staff or posts from Union institutions, bodies, offices and agencies, and additional human resources through recruitment. The staff of the Competence Centre may consist of temporary staff and contract staff.

⁽¹⁷⁾ 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).

⁽¹⁸⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

8. All costs related to staff shall be borne by the Competence Centre.

Article 31

Seconded national experts and other staff

1. The Competence Centre may make use of seconded national experts or other staff not employed by the Competence Centre.
2. The Governing Board shall adopt a decision laying down rules on the secondment of national experts to the Competence Centre, in agreement with the Commission.

Article 32

Privileges and immunities

Protocol No 7 on the Privileges and Immunities of the European Union annexed to the TEU and to the TFEU shall apply to the Competence Centre and its staff.

CHAPTER V

Common provisions

Article 33

Security rules

1. Article 12 Regulation (EU) 2021/694 shall apply to participation in all actions funded by the Competence Centre.
2. The following specific security rules shall apply to actions funded by Horizon Europe:
 - (a) for the purposes of Article 38(1) of Regulation (EU) 2021/695, when provided for in the annual work programme, the grant of non-exclusive licences may be limited to third parties that are established or deemed to be established in a Member State and are controlled by that Member State or by nationals of that Member State;
 - (b) for the purposes of point (b) of the first subparagraph of Article 40(4) of Regulation (EU) 2021/695, the transfer or license to a legal entity established in an associated country or established in the Union but controlled from third countries shall be grounds for objecting to transfers of ownership of results or to grants of an exclusive license regarding results;
 - (c) for the purposes of point (a) of the first subparagraph of Article 41(7) of Regulation (EU) 2021/695, when provided for in the annual work programme, the granting of access rights, as defined in point (9) of Article 2 of that Regulation, may be limited to a legal entity that is established or deemed to be established in a Member State and is controlled by that Member State or by nationals of that Member State.

Article 34

Transparency

1. The Competence Centre shall carry out its activities with a high level of transparency.
2. The Competence Centre shall ensure that the public and any interested parties are given appropriate, objective, reliable and easily accessible information in a timely manner, in particular with regard to the results of its work. It shall also make public the declarations of interest made in accordance with Article 43. Those requirements shall also apply to the national coordination centres, the Community and the Strategic Advisory Group in accordance with relevant law.
3. The Governing Board, acting on a proposal from the Executive Director, may authorise interested parties to observe the proceedings of some of the Competence Centre's activities.
4. The Competence Centre shall lay down in the rules of procedure of the Governing Board of the Competence Centre and of the Strategic Advisory Group the practical arrangements for implementing the transparency rules referred to in paragraphs 1 and 2 of this Article. For actions funded by Horizon Europe, those rules and arrangements shall take account of Regulation (EU) 2021/695.

*Article 35***Gender balance**

In the implementation of this Regulation, when nominating candidates or proposing representatives, the Commission, Member States and other institutional and private sector stakeholders shall choose representatives from several candidates, where possible, and with the aim of ensuring gender balance.

*Article 36***Security rules on the protection of classified information and sensitive non-classified information**

1. After approval by the Commission, the Governing Board shall adopt the security rules of the Competence Centre. Those security rules shall apply the security principles and rules laid down in Commission Decisions (EU, Euratom) 2015/443 ⁽¹⁹⁾ and (EU, Euratom) 2015/444 ⁽²⁰⁾.
2. Members of the Governing Board, the Executive Director, external experts participating in ad hoc working groups, and members of the staff of the Competence Centre shall comply with the confidentiality requirements under Article 339 TFEU, even after their duties have ceased.
3. The Competence Centre may take the necessary measures to facilitate the exchange of information relevant to its tasks with the Commission and the Member States and, where appropriate, the relevant Union institutions, bodies, offices and agencies. Any administrative arrangements concluded to that end with regard to the sharing of EU classified information (EUCI) or, in the absence of such arrangements, any exceptional ad hoc release of EUCI, shall have received the Commission's prior approval.

*Article 37***Access to documents**

1. Regulation (EC) No 1049/2001 shall apply to documents held by the Competence Centre.
2. The Governing Board shall adopt arrangements for implementing Regulation (EC) No 1049/2001 by 29 December 2021.
3. Decisions taken by the Competence Centre pursuant to Article 8 of Regulation (EC) No 1049/2001 may be the subject of a complaint to the Ombudsman under Article 228 TFEU or of an action before the Court of Justice of the European Union under Article 263 TFEU.

*Article 38***Monitoring, evaluation and review**

1. The Competence Centre shall ensure that its activities, including those managed through the national coordination centres and the Network, shall be subject to continuous and systematic monitoring and periodic evaluation. The Competence Centre shall ensure that the data for monitoring the implementation and results of the Union funding programmes referred to in point (b) of Article 4(3) are collected efficiently, effectively, and in a timely manner, and shall impose proportionate reporting requirements on recipients of Union funds and Member States. The conclusions of that evaluation shall be made public.
2. Once there is sufficient information available about the implementation of this Regulation, and in any event no later than 30 months after the date provided for in Article 46(4), the Commission shall prepare an implementation report on the activities of the Competence Centre, taking into account the preliminary input of the Governing Board, the national coordination centres and the Community. The Commission shall submit that implementation report to the European Parliament and to the Council by 30 June 2024. The Competence Centre and Member States shall provide the Commission with the information necessary for the preparation of that report.
3. The implementation report referred to in paragraph 2 shall include assessments of:
 - (a) the working capacity of the Competence Centre with regard to its mission, objectives, mandate and tasks and the cooperation and coordination with other stakeholders, in particular the national coordination centres, the Community and ENISA;

⁽¹⁹⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽²⁰⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

- (b) the results achieved by the Competence Centre, having regard to its mission, objectives, mandate and tasks, and in particular the efficiency of the Competence Centre in coordinating Union funds and pooling expertise;
- (c) the consistency of implementation tasks with the Agenda and the multiannual work programme;
- (d) the coordination and cooperation of the Competence Centre with the Programme Committees of Horizon Europe and the Digital Europe Programme, in particular with a view to increasing consistency and synergies with the Agenda, the annual work programme, the multiannual work programme, Horizon Europe and the Digital Europe Programme;
- (e) joint actions.

4. After submission of the implementation report referred to in paragraph 2 of this Article, the Commission shall carry out an evaluation of the Competence Centre, taking into account the preliminary input from the Governing Board, the national coordination centres and the Community. That evaluation shall refer to or update, as necessary, the assessments referred to in paragraph 3 of this Article and shall be carried out before expiry of the period specified in Article 47(1), in order to determine in a timely manner whether it is appropriate to extend the duration of the mandate of the Competence Centre beyond that period. That evaluation shall assess legal and administrative aspects regarding the mandate of the Competence Centre and the potential to create synergies and avoid fragmentation with other Union institutions, bodies, offices and agencies.

If the Commission considers that the continuation of the Competence Centre is justified with regard to its mission, objectives, mandate and tasks, it may make a legislative proposal to extend the duration of the mandate of the Competence Centre set out in Article 47.

5. On the basis of the conclusions of the implementation report referred to in paragraph 2, the Commission may take appropriate actions.

6. The monitoring, evaluation, phasing out and renewal of the contribution from Horizon Europe shall be carried out in accordance with Articles 10, 50 and 52 of Regulation (EU) 2021/695 and agreed implementation arrangements.

7. The monitoring, reporting and evaluation of the contribution from the Digital Europe Programme shall be carried out in accordance with Articles 24 and 25 of Regulation (EU) 2021/694.

8. In the event of a winding-up of the Competence Centre, the Commission shall conduct a final evaluation of the Competence Centre within six months of the winding-up of the Competence Centre, and in any event no later than two years after the triggering of the winding-up procedure referred to in Article 47. The results of that final evaluation shall be submitted to the European Parliament and to the Council.

Article 39

Legal personality of the Competence Centre

1. The Competence Centre shall have legal personality.
2. In each Member State, the Competence Centre shall enjoy the most extensive legal capacity accorded to legal persons under the law of that Member State. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.

Article 40

Liability of the Competence Centre

1. The contractual liability of the Competence Centre shall be governed by the law applicable to the agreement, decision or contract in question.
2. In the case of non-contractual liability, the Competence Centre shall make good any damage caused by its staff in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
3. Any payment by the Competence Centre in respect of the liability referred to in paragraphs 1 and 2 and the costs and expenses incurred in connection therewith shall be considered to be expenditure of the Competence Centre and shall be covered by its resources.
4. The Competence Centre shall be solely responsible for meeting its obligations.

*Article 41***Jurisdiction of the Court of Justice of the European Union and applicable law**

1. The Court of Justice of the European Union shall have jurisdiction:
 - (a) to give judgement pursuant to any arbitration clause contained in decisions adopted by, or agreements or contracts concluded by, the Competence Centre;
 - (b) in disputes related to compensation for damage caused by the staff of the Competence Centre in the performance of their duties;
 - (c) in any dispute between the Competence Centre and its staff within the limits of and under the conditions laid down in the Staff Regulations.
2. Regarding any matter not covered by this Regulation or by other legal acts of the Union, the law of the Member State where the seat of the Competence Centre is located shall apply.

*Article 42***Liability of the Union and the Member States and insurance**

1. The financial liability of the Union and the Member States for the debts of the Competence Centre shall be limited to their contribution already made for the administrative costs.
2. The Competence Centre shall take out and maintain appropriate insurance.

*Article 43***Conflicts of interest**

The Governing Board shall adopt rules for the prevention, identification and resolution of conflicts of interest in respect of its members, bodies and staff, including the Executive Director. Those rules shall contain the provisions intended to avoid a conflict of interest in respect of the representatives of the members serving in the Governing Board as well as the Strategic Advisory Group, in accordance with the Financial Regulation, including provisions on any declarations of interest. The national coordination centres shall be subject to national law with regard to conflicts of interest.

*Article 44***Protection of Personal Data**

1. The processing of personal data by the Competence Centre shall be subject to Regulation (EU) 2018/1725.
2. The Governing Board shall adopt implementing measures as referred to in Article 45(3) of Regulation (EU) 2018/1725. The Governing Board may adopt additional measures necessary for the application of that Regulation by the Competence Centre.

*Article 45***Support from the host Member State**

An administrative agreement may be concluded between the Competence Centre and the host Member State in which its seat is located concerning privileges and immunities and other support to be provided by that Member State to the Competence Centre.

*CHAPTER VI***Final provisions***Article 46***Initial actions**

1. The Commission shall be responsible for the establishment and initial operation of the Competence Centre until it has the operational capacity to implement its own budget. The Commission shall carry out, in accordance with Union law, all necessary actions with the involvement of the competent bodies of the Competence Centre.
2. For the purpose of paragraph 1 of this Article, the Commission may designate an interim Executive Director until the Executive Director takes up his or her duties following his or her appointment by the Governing Board in accordance with Article 16. The interim Executive Director shall exercise the duties of the Executive Director and may be assisted by a limited number of members of staff of the Commission. The Commission may assign a limited number of its members of staff to the Competence Centre on an interim basis.

3. The interim Executive Director may authorise all payments covered by the appropriations provided in the annual budget of the Competence Centre once it has been adopted by the Governing Board and may conclude agreements and contracts, including staff contracts, and adopt decisions, following the adoption of the establishment plan referred to in point (l) of Article 13(3).

4. The interim Executive Director shall determine, in common accord with the Executive Director and subject to the approval of the Governing Board, the date from which the Competence Centre will have the capacity to implement its own budget. From that date onwards, the Commission shall abstain from making commitments and executing payments for the activities of the Competence Centre.

Article 47

Duration

1. The Competence Centre shall be established for the period from 28 June 2021 to 31 December 2029.

2. Unless the mandate of the Competence Centre is extended in accordance with Article 38(4), the winding-up procedure shall be triggered automatically at the end of the period referred to in paragraph 1 of this Article.

3. For the purpose of conducting the proceedings to wind up the Competence Centre, the Governing Board shall appoint one or more liquidators, who shall comply with the decisions of the Governing Board.

4. When the Competence Centre is being wound up, its assets shall be used to cover its liabilities and the expenditure relating to its winding-up. Any surplus shall be distributed among the Union and the contributing Member States in proportion to their financial contribution to the Competence Centre. Any such surplus distributed to the Union shall be returned to the Union budget.

Article 48

Entry into force

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

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

Done at Brussels, 20 May 2021.

For the European Parliament

The President

D.M. SASSOLI

For the Council

The President

A.P. ZACARIAS

REGULATION (EU) 2021/888 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 May 2021
establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475
and (EU) No 375/2014
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

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

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The Union is built on solidarity, both among its citizens and among the Member States. That universal and common value guides the actions of the Union and provides the unity necessary to cope with current and future societal challenges, which young Europeans are willing to help address by expressing their solidarity in practice. Article 2 of the Treaty on European Union (TEU) highlights solidarity as one of the principles key to the Union. The principle of solidarity is also referred to in Article 21(1) TEU as one of the foundations of the Union's external action.
- (2) Given the significant increase in global humanitarian needs and with a view to enhancing the promotion of solidarity and the visibility of humanitarian aid among Union citizens, there is a need to develop solidarity between Member States and with third countries affected by man-made or natural disasters.
- (3) Humanitarian aid volunteering actions should contribute to a needs-based humanitarian response and be guided by the European Consensus on Humanitarian Aid set out in the Joint Statement by the Council and the Representatives of the Governments of the Member States meeting within the Council, the European Parliament and the European Commission entitled 'The European Consensus on Humanitarian Aid' ⁽⁴⁾. International humanitarian law and human rights law should be promoted.
- (4) Where appropriate, the central and overall coordinating role of the United Nations (UN) Office for the Coordination of Humanitarian Affairs in promoting a coherent international response to humanitarian crises should be taken into account.
- (5) Humanitarian aid volunteering actions should contribute to an adequate humanitarian response that strengthens the gender perspective in Union humanitarian aid policy and promotes adequate humanitarian responses to the specific needs of women and men of all ages. Humanitarian aid volunteering actions should take into account the needs and capacities of people in the most vulnerable situations, including women and children, and people most at risk.
- (6) Humanitarian aid volunteering actions should strive to contribute to enhancing the effectiveness and efficiency of Union humanitarian aid, in line with the Good Humanitarian Donorship principles.
- (7) The State of the Union address of 14 September 2016 emphasised the need to invest in young people and announced the establishment of a European Solidarity Corps with a view to creating opportunities for young people across the Union to make a meaningful contribution to society, show solidarity and develop their skills, enabling them to obtain not only work experience but also an invaluable human experience.

⁽¹⁾ OJ C 62, 15.2.2019, p. 201.

⁽²⁾ OJ C 86, 7.3.2019, p. 282.

⁽³⁾ Position of the European Parliament of 12 March 2019 (OJ C 23, 21.1.2021, p. 218) and position of the Council at first reading of 20 April 2021 (not yet published in the Official Journal). Position of the European Parliament of 18 May 2021 (not yet published in the Official Journal).

⁽⁴⁾ OJ C 25, 30.1.2008, p. 1.

- (8) In its communication of 7 December 2016 entitled 'A European Solidarity Corps', the Commission emphasised the need to strengthen the foundations for solidarity work across Europe, to provide young people with more and better opportunities for solidarity activities covering a broad range of areas, and to support national, regional and local actors in their efforts to cope with different challenges and crises. That communication launched a first phase of the European Solidarity Corps whereby resources under different Union programmes were mobilised to offer volunteering, traineeship or job opportunities to young people across the Union.
- (9) Within the context of this Regulation, 'solidarity' is understood as a sense of individual and collective responsibility for the common good, expressed through concrete action.
- (10) Contributing assistance to people and communities outside the Union that are in need of humanitarian aid, based on the fundamental principles of humanity, neutrality, impartiality and independence, is an important expression of solidarity.
- (11) There is a need to further develop solidarity with victims of crises and disasters in third countries and to raise both the awareness and the visibility of humanitarian aid, and volunteering in general, as a lifelong activity among Union citizens.
- (12) The Union and the Member States have committed to implementing the UN 2030 Agenda for Sustainable Development and the Sustainable Development Goals thereof, both internally and through external actions.
- (13) In its conclusions of 19 May 2017 on operationalising the humanitarian-development nexus, the Council recognised the need to strengthen resilience by better linking humanitarian assistance and development cooperation and to further strengthen the operational links between the complementary approaches of humanitarian assistance, development cooperation and conflict prevention.
- (14) Young people should be provided with easily accessible and inclusive opportunities to engage in solidarity activities, which could enable them to express their commitment to benefitting communities while acquiring useful experience, knowledge, skills and competences for their personal, educational, social, civic and professional development, thereby improving their employability. Those solidarity activities should also support the mobility of young volunteers, intercultural awareness and intercultural dialogue.
- (15) The solidarity activities offered to young people should allow for concrete and beneficial contributions of young people. Solidarity activities should respond to unmet societal needs and contribute to strengthening communities and civic participation. Solidarity activities should offer young people the opportunity to acquire valuable knowledge, skills and competences. Solidarity activities should be financially accessible to young people and be carried out in safe and healthy conditions.
- (16) The European Solidarity Corps Programme (the 'Programme') provides a single entry point for solidarity activities throughout the Union and beyond. In order to maximise the effectiveness of Union funding and the impact of the Programme, the Commission should seek to establish synergies across all relevant programmes in a coherent manner, but without such synergies leading to funds being used to pursue objectives other than those set out in this Regulation. Consistency and complementarity should be ensured with other relevant Union policies, such as the European Union Youth Strategy 2019-2027⁽⁵⁾, and other relevant Union programmes, in particular the Erasmus+ Programme, established by Regulation (EU) 2021/817 of the European Parliament and of the Council⁽⁶⁾. The Programme is built on the strengths and synergies of previous and existing programmes, in particular the European Voluntary Service, established by Regulation (EU) No 1288/2013 of the European Parliament and of the Council⁽⁷⁾, and the EU Aid Volunteers initiative, established by Regulation (EU) No 375/2014 of the European

⁽⁵⁾ OJ C 456, 18.12.2018, p. 1.

⁽⁶⁾ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

⁽⁷⁾ 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).

Parliament and of the Council⁽⁸⁾. Complementarity with existing Union-level networks pertinent to Programme activities, such as the Eurodesk network, should also be ensured. Furthermore, complementarity between existing related schemes, in particular national solidarity schemes, such as volunteering, civic service, and mobility schemes for young people, and the Programme should be ensured to mutually enhance and enrich the impact and qualities of such schemes and, where appropriate, to build upon good practices. The Programme should not be a substitute for similar national schemes. Equal access for all young people to national solidarity activities should be ensured.

- (17) In order to align its duration with that of the multiannual financial framework for the period from 1 January 2021 to 31 December 2027 (the '2021-2027 MFF') laid down in Council Regulation (EU, Euratom) 2020/2093⁽⁹⁾, the Programme should be established for a period of seven years.
- (18) With respect to the interpretation of related legal acts of the Union, it is appropriate that both cross-border volunteering and volunteering that continues to be supported under Regulation (EU) No 1288/2013 be considered equivalent to volunteering undertaken under the European Voluntary Service.
- (19) The Programme is designed to open up new opportunities for young people to undertake volunteering activities in solidarity-related areas, as well as to devise and develop solidarity projects based on their own initiative. Those opportunities contribute to enhancing the personal, educational, social, civic and professional development of young people. The Programme should also support networking activities for participants and participating organisations and measures to ensure the quality of the supported activities and to enhance the validation of the learning outcomes of participants. The Programme thereby also aims to contribute to European cooperation relevant to young people and to raising awareness of its positive impact. It is appropriate that solidarity activities offered follow a clear and detailed procedure addressed to participants and participating organisations, establishing the steps of all phases of the solidarity activities.
- (20) Solidarity activities should present potential European added value and should benefit communities and foster participants' personal, educational, social, civic and professional development. Solidarity activities should be developed in relation to different areas, such as: education and training; youth work; employment; gender equality; entrepreneurship and, in particular, social entrepreneurship; citizenship and democratic participation; intercultural awareness and intercultural dialogue; social inclusion; inclusion of people with disabilities; environment and nature protection; climate action; disaster prevention, preparedness and recovery; agriculture and rural development; the provision of food and non-food items; health and wellbeing; culture, including cultural heritage; creativity; physical education and sport; social assistance and welfare; the reception and integration of third-country nationals, taking into account the challenges faced by people with a migrant background; territorial cooperation and cohesion; and cooperation across borders. Solidarity activities should include a solid learning and training dimension through relevant activities that are offered to participants before, during and after the solidarity activity.
- (21) Volunteering, both within and beyond the Union, constitutes a rich experience in a non-formal and informal learning context and enhances young people's personal, socio-educational and professional development, active citizenship, civic participation and employability. Volunteering should not have an adverse effect on potential or existing paid employment and it should not be considered a substitute for it. The Commission and the Member States should cooperate regarding volunteering policies in the youth field via the open method of coordination.
- (22) Young people's spirit of initiative is an important asset for society and for the labour market. The Programme contributes to fostering that spirit of initiative by offering young people the opportunity to devise and implement their own solidarity projects with the aim of addressing specific challenges to the benefit of their local communities. Solidarity projects are an opportunity to try out ideas concerning, and innovative solutions to, common challenges through a bottom-up approach and they support young people to be drivers of solidarity actions themselves. Solidarity projects also serve as a springboard for further engagement in solidarity activities and are a first step towards encouraging participants to engage in self-employment and to continue to be active citizens as volunteers, trainees or employees in associations, non-governmental organisations or other bodies active in the solidarity, non-profit and youth sectors.

⁽⁸⁾ 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).

⁽⁹⁾ Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027 (OJ L 433 I, 22.12.2020, p. 11).

- (23) Participants in volunteering ('volunteers') can contribute to strengthening the Union's capacity to provide needs-based and principled humanitarian aid and can contribute to enhancing the effectiveness of the humanitarian sector provided that they are adequately selected, trained and prepared for deployment so as to ensure that they have the necessary skills and competences to help people in need in the most effective way and provided that they can count on sufficient on-site support and supervision. Therefore, highly skilled, highly trained and experienced coaches, mentors and experts play an important role in contributing to the effectiveness of the humanitarian response on the ground as well as towards supporting volunteers as part of the volunteering. Such coaches, mentors and experts can be involved in volunteering in order to guide and accompany volunteers and help to support the development and capacity-building components of the volunteering, thereby strengthening local networks and communities. Particular attention should be paid to the capacity of hosting organisations in third countries and the need to embed the volunteering within the local context and to facilitate volunteers' interaction with local humanitarian actors, the hosting community and civil society.
- (24) It is important that participants and participating organisations feel that they belong to a community of individuals and entities committed to enhancing solidarity across Europe. At the same time, participating organisations need support to strengthen their capacity to offer good quality solidarity activities to an increasing number of participants. The Programme should support networking activities that aim to strengthen the engagement of participants and of participating organisations in such a community, to foster a Programme spirit and to encourage the exchange of useful practices and experience. Networking activities should also contribute to raising awareness about the Programme among public and private actors and to facilitating the collection of feedback from participants and participating organisations on the implementation of the Programme.
- (25) Particular attention should be paid to ensuring the quality of solidarity activities and the opportunities offered under the Programme, in particular by offering online or offline training, language support and administrative support to participants before, during and after the solidarity activity in question, as well as insurance, including coverage for accidents, sickness and third-party liability. The validation of the knowledge, skills and competences acquired by participants through their experience under the Programme should be ensured. The security and safety of the participants, participating organisations and intended beneficiaries remains of paramount importance. Such security and safety should include appropriate clearance requirements for participants working with vulnerable groups in accordance with applicable national law. All solidarity activities should comply with the 'do no harm' principle and should be implemented with due consideration for the impact of unforeseen circumstances such as environmental crises, conflicts or pandemics. Volunteers should not be deployed in operations conducted in areas of international and non-international armed conflicts or in facilities that contravene international human rights standards.
- (26) The Programme should respect the principles set out in the 2017 EU Guidelines for the Promotion and Protection of the Rights of the Child and in Article 9 of the UN Convention on the Rights of Persons with Disabilities.
- (27) To ensure the impact of Programme activities on the personal, educational, social, cultural, civic and professional development of the participants, the knowledge, skills and competences that constitute the learning outcomes of the activity in question should be properly identified and documented. To that end, the use of effective instruments at Union and national level for the recognition of non-formal and informal learning, such as Youthpass and Europass, should be encouraged, as appropriate, in accordance with national circumstances and specificities, as recommended in the Council Recommendation of 20 December 2012⁽¹⁰⁾.
- (28) The Commission and the national agencies should also encourage former participants to share their experiences through youth networks, educational establishments and workshops in roles such as ambassadors or as members of a network. Former participants could also contribute to the training of participants.
- (29) A quality label should ensure that participating organisations comply with the principles and requirements of the Programme as regards their rights and responsibilities during all stages of the solidarity experience.

⁽¹⁰⁾ Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1).

- (30) Any entity that wishes to participate in the Programme should receive a quality label provided that it complies with appropriate conditions. The Programme implementing bodies should conduct the process that leads to the attribution of a quality label on a continuous basis. The Programme implementing bodies should periodically reassess whether entities continue to comply with the conditions that led to the attribution of their quality labels. A quality label should be revoked where it is found, in the context of the checks performed by the Programme implementing bodies, that the entity in question no longer complies with those conditions. The administrative process for the attribution of a quality label should be reduced to a minimum in order to avoid discouraging smaller organisations.
- (31) An entity that wishes to apply for funding to offer solidarity activities under the Programme should first receive a quality label. Such a precondition should not apply to natural persons seeking financial support on behalf of an informal group of participants for their solidarity projects. Obtaining a quality label, however, should not automatically lead to funding under the Programme.
- (32) As a general rule, grant applications should be submitted to the national agency of the country in which the participating organisation is based. Grant applications for activities with a Union-wide or international dimension, including solidarity activities of volunteering teams in priority areas identified at Union level and solidarity activities in support of humanitarian aid operations in third countries, may be centrally managed if appropriate.
- (33) Participating organisations may perform several functions in the framework of the Programme. In a host capacity, participating organisations should carry out activities in relation to receiving participants, including organising activities and providing guidance and support to participants during the solidarity activity, as appropriate. In a support capacity, they should carry out activities in relation to sending participants, as well to preparing participants before and guiding them during and after the solidarity activity, including training participants and guiding them to local organisations after the solidarity activity in order to increase opportunities for further solidarity experiences. The quality label should reflect the fact that specific requirements vary depending on the type of solidarity activity provided, and certify that the organisation is able to ensure the quality of solidarity activities during all stages of the solidarity experience, in accordance with the principles and objectives of the Programme. Any entity which substantially changes its activities should inform the competent Programme implementing body, which can reassess whether that entity continues to comply with the conditions that led to the attribution of the quality label.
- (34) In order to support solidarity activities among young people, participating organisations could be public or private entities or international organisations, non-profit or profit-making, and could include youth organisations, religious institutions, charity associations, secular humanistic organisations, non-governmental organisations or other actors from civil society.
- (35) The scaling-up of Programme projects should be facilitated. Specific measures should be put in place to help promoters of Programme projects to apply for grants or develop synergies through the support of the European Structural and Investment Funds and the Union programmes relating to migration, security, justice and citizenship, health and culture.
- (36) European Solidarity Corps Resource Centres should assist the Programme implementing bodies, the participating organisations and the participants in order to raise the quality of the implementation of the Programme activities and to enhance the identification and validation of competences acquired through those activities, including through Youthpass.
- (37) The European Solidarity Corps Portal should be continuously developed in order to ensure easy access to the Programme in accordance with the standards established by Directive (EU) 2016/2102 of the European Parliament and of the Council ⁽¹¹⁾ and to provide a one-stop shop for both interested individuals and organisations as regards, inter alia, the registration, identification and matching of profiles and opportunities, networking and virtual exchanges, online training, language and post-activity support and other useful functions which might arise in the future.

⁽¹¹⁾ Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).

- (38) The European Solidarity Corps Portal should be further developed taking into account the European Interoperability Framework, set out in the communication of the Commission of 23 March 2017 entitled 'European Interoperability Framework – Implementation Strategy', which provides specific guidance on how to set up interoperable digital public services and is implemented in the Member States and other members of the European Economic Area through national interoperability frameworks. The European Interoperability Framework offers public administrations 47 concrete recommendations on how to improve the governance of their interoperability activities, to establish cross-organisational relationships, to streamline processes supporting end-to-end digital services and to ensure that neither existing nor new legal acts compromise interoperability efforts.
- (39) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁽¹²⁾ (the 'Financial Regulation') applies to the Programme. The Financial Regulation lays down rules on the implementation of the Union budget, including rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts.
- (40) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽¹³⁾ and Council Regulations (EC, Euratom) No 2988/95⁽¹⁴⁾, (Euratom, EC) No 2185/96⁽¹⁵⁾ and (EU) 2017/1939⁽¹⁶⁾, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used, and, where appropriate, to the imposition of administrative penalties. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, the European Anti-Fraud Office (OLAF) has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council⁽¹⁷⁾. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation pursuant to Regulation (EU) 2017/1939, the EPPO, and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.
- (41) The Programme is targeted at young people aged between 18 and 30. In order to participate in the activities offered by the Programme, such young people should be required to first register in the European Solidarity Corps Portal.
- (42) In view of the specific challenges of the humanitarian action, participants volunteering in support of humanitarian aid operations should be at least 18 years of age and not older than 35 years of age.
- (43) Particular attention should be paid to ensuring that solidarity activities are accessible to all young people, and in particular young people with fewer opportunities. Special measures should be put in place to promote social inclusion and, in particular, the participation of disadvantaged young people, including the provision of reasonable accommodation to enable people with disabilities to effectively participate in solidarity activities on an equal basis with others in accordance with Article 27 of the UN Convention on the Rights of Persons with Disabilities and

⁽¹²⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

⁽¹³⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽¹⁴⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽¹⁵⁾ 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).

⁽¹⁶⁾ 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).

⁽¹⁷⁾ 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).

with Council Directive 2000/78/EC⁽¹⁸⁾. Such special measures should take into account the constraints imposed by the remoteness of a number of rural areas, of the outermost regions of the Union and of the overseas countries and territories and by the poverty of some peri-urban areas. Similarly, Member States, overseas countries and territories and third countries associated to the Programme should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. Those measures should resolve, where possible and without prejudice to the Schengen *acquis* and Union law on the entry and residence of third-country nationals, administrative issues that create difficulties in obtaining visas and residence permits and, in the case of cross-border activities within the Union, obtaining a European Health Insurance Card.

- (44) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement adopted under the United Nations Framework Convention on Climate Change and to achieve the UN Sustainable Development Goals, the Programme is intended to contribute to mainstreaming climate actions in and to the achievement of an overall target of 30 % of the Union budget expenditure supporting climate objectives. In line with the European Green Deal as a blueprint for sustainable growth, the actions under this Regulation should respect the 'do no harm' principle without changing the fundamental character of the Programme. During the implementation of the Programme, relevant actions should be identified and put in place and reassessed in the context of the relevant evaluations and review process. It is also appropriate to measure relevant actions that contribute to climate objectives, including those intended to reduce the environmental impact of the Programme.
- (45) This Regulation lays down a financial envelope for the Programme which is to constitute the prime reference amount, within the meaning of Point 18 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources⁽¹⁹⁾, for the European Parliament and the Council during the annual budgetary procedure.
- (46) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. When making that choice in relation to grants, the use of lump sums, flat rates and scales of unit costs should be considered.
- (47) Third countries which are members of the European Economic Area may participate in Union Programmes in the framework of the cooperation established under the Agreement on the European Economic Area⁽²⁰⁾, which provides for the implementation of those programmes on the basis of a decision adopted under that Agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation requiring third countries to grant the necessary rights and access required for the authorising officer responsible, OLAF and the Court of Auditors to comprehensively exercise their respective competences. The full participation of third countries in the Programme should be subject to the conditions laid down in specific agreements covering the participation of the third country concerned in the Programme. Full participation entails, moreover, the obligation to set up a national agency and the management of some of the Programme actions under indirect management. Legal entities from third countries that are not associated to the Programme should be able to participate in some of the Programme actions, as defined in the work programmes and the calls for proposals published by the Commission. When implementing the Programme, specific arrangements could be taken into account with regard to the participation of legal entities from Andorra, Liechtenstein, Monaco, San Marino and the Holy See.
- (48) In order to maximise the impact of the Programme, provisions should be made to allow Member States and third countries associated to the Programme and other Union programmes to make additional funding available in accordance with the rules of the Programme.
- (49) Pursuant to Council Decision 2013/755/EU⁽²¹⁾, 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.

⁽¹⁸⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

⁽¹⁹⁾ OJ L 433 I, 22.12.2020, p. 28.

⁽²⁰⁾ OJ L 1, 3.1.1994, p. 3.

⁽²¹⁾ Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

- (50) In view of Article 349 of the Treaty on the Functioning of the European Union (TFEU) and in line with the communication of the Commission of 24 October 2017 entitled 'A stronger and renewed strategic partnership with the EU's outermost regions', the Programme should take into account the specific situation of the outermost regions referred to in that Article. Measures should be taken to increase the participation of the outermost regions in all actions, including by means of financial support, where relevant, for mobility actions. Mobility exchanges and cooperation between people and organisations from those regions and third countries, in particular their neighbours, should be fostered. Such measures should be monitored and evaluated regularly.
- (51) In accordance with the Financial Regulation, the Commission should adopt work programmes and inform the European Parliament and the Council thereof. Work programmes should set out the measures needed for their implementation in line with the general and specific objectives of the Programme, the selection and award criteria for grants, as well as all other elements required. Work programmes and any amendments thereto should be adopted by means of implementing acts in accordance with the examination procedure.
- (52) Pursuant to paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽²²⁾, the Programme should be evaluated on the basis of information collected in accordance with specific monitoring requirements, while avoiding an administrative burden, in particular on Member States, and overregulation. Those requirements, where appropriate, should include measurable indicators as a basis for evaluating the effects of the Programme on the ground, including effects on societal and humanitarian challenges.
- (53) Appropriate outreach, publicity and dissemination of the opportunities and results of the actions supported by the Programme should be ensured at local, national and European level. Particular attention should be paid to social enterprises, encouraging them to support the Programme activities. The outreach, publicity and dissemination activities should rely on all the Programme implementing bodies and should, where relevant, have the support of other key stakeholders. Furthermore, the Commission should engage with a broad range of stakeholders, including participating organisations, on a regular basis across the life cycle of the Programme, in order to facilitate the sharing of good practices and project results and gather feedback on the Programme. The national agencies should be invited to participate in that process.
- (54) In order to better achieve the objectives of the Programme, the Commission, national authorities and national agencies should preferably work closely together and, where appropriate, in partnership with non-governmental organisations, social enterprises, youth organisations, organisations representing people with disabilities, and local stakeholders that have expertise in solidarity actions.
- (55) In order to ensure greater efficiency in communication to the public at large and stronger synergies between the communication activities undertaken at the initiative of the Commission, the financial resources allocated to communication under this Regulation should also contribute to covering the corporate communication of the political priorities of the Union, insofar as those priorities are related to the general objective of the Programme.
- (56) In order to ensure that this Regulation is efficiently and effectively implemented, the Programme should make maximum use of management arrangements already in place. The overall implementation of the Programme should therefore be entrusted to existing structures, namely the Commission and the national agencies designated for the management of the actions referred to in the chapter on youth in Regulation (EU) 2021/817. Actions under the 'participation of young people in humanitarian aid related solidarity activities' strand, however, should be primarily managed directly. The Commission should regularly consult key stakeholders, including participating organisations, on the implementation of the Programme.
- (57) In order to ensure sound financial management and legal certainty in Member States and third countries associated to the Programme, each national authority should designate an independent audit body. Where feasible, and in order to maximise efficiency, the independent audit bodies should be the same as those designated for the actions referred to in chapter on youth in Regulation (EU) 2021/817.
- (58) Member States should endeavour to adopt all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme. That includes resolving, where possible and without prejudice to Union law on the entry and residence of third-country nationals, issues that create difficulties in obtaining visas and residence permits.

⁽²²⁾ OJ L 123, 12.5.2016, p. 1.

- (59) The performance reporting system should ensure that data for monitoring Programme implementation and evaluation are collected efficiently, effectively, in a timely manner, and at the appropriate level of detail. Such data should be communicated to the Commission in a way that complies with relevant data protection rules.
- (60) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²³⁾.
- (61) In order to simplify requirements for beneficiaries, simplified grants in the form of lump sums, flat-rate financing and unit costs should be used to the maximum possible extent. The simplified grants to support the mobility actions under the Programme, as defined by the Commission, should take into account the living and subsistence costs in the host country. In accordance with national law, Member States should also be encouraged to exempt those grants from any taxes and social levies; grants awarded to individuals by public or private legal entities should be treated in the same manner.
- (62) In order to ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the Annex with regard to the Programme's performance indicators. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (63) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union (the 'Charter'). In particular, this Regulation seeks to ensure full respect for the right to equality between men and women and the right to non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, socioeconomic background, and to promote the application of Articles 21 and 23 of the Charter.
- (64) Horizontal financial rules adopted by the European Parliament and by the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes and indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (65) Since the objective of this Regulation, namely to enhance the engagement of young people and organisations in accessible and high-quality solidarity activities, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (66) In accordance with the Financial Regulation, it is possible to award a grant for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not eligible for Union financing, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to the Union's interests, it should be possible to provide in the financing decision, for a limited period of time at the beginning of the 2021-2027 MFF, and only in duly justified cases, for eligibility of activities and costs from 1 January 2021, even if those activities were implemented and those costs incurred before the grant application was submitted.
- (67) Actions or initiatives that are not supported under this Regulation cannot be included in the work programmes.

⁽²³⁾ 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).

- (68) In order to optimise the added value from investments funded wholly or in part through the budget of the Union, synergies should be sought in particular between the Programme and other Union programmes, including Funds implemented under shared management. To maximise those synergies, key enabling mechanisms should be ensured, including cumulative funding in an action from the Programme and another Union programme, as long as such cumulative funding does not exceed the total eligible costs of the action. For that purpose, this Regulation should set out appropriate rules, in particular on the possibility to declare the same cost or expenditure on a pro-rata basis to the Programme and another Union programme.
- (69) Regulation (EU) 2018/1475 of the European Parliament and of the Council ⁽²⁴⁾ should be repealed with effect from 1 January 2021.
- (70) In order to ensure continuity in providing support in the relevant policy area and to allow implementation of the Programme to start from the beginning of the 2021-2027 MFF, this Regulation should enter into force as a matter of urgency and should apply, with retroactive effect, from 1 January 2021,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject matter

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

Article 2

Definitions

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

- (1) 'solidarity activity' means a high-quality, inclusive activity that addresses important societal challenges, that contributes to the achievement of the Programme objectives, that takes the form of volunteering, a solidarity project or a networking activity in various fields, including in the field of humanitarian aid, that ensures European added value and that complies with occupational health and safety regulations and relevant security rules;
- (2) 'registered candidate' means an individual aged between 17 and 30 years or, in the case of volunteering under the European Voluntary Humanitarian Aid Corps, between 17 and 35 years who is legally residing in a Member State, in a third country associated to the Programme or in another participating country under this Regulation and who has registered in the European Solidarity Corps Portal to express his or her interest in engaging in a solidarity activity but who is not yet participating in such an activity;
- (3) 'participant' means an individual aged between 18 and 30 years or, in the case of volunteering under the European Voluntary Humanitarian Aid Corps, between 18 and 35 years who is legally residing in a Member State, in a third country associated to the Programme or in another participating country under this Regulation, who has registered in the European Solidarity Corps Portal and who takes part in a solidarity activity;
- (4) 'young people with fewer opportunities' means young people who, for economic, social, cultural, geographical or health reasons, due to their migrant background, or for reasons such as a disability or educational difficulties or for any other reason, including a reason that could give rise to discrimination under Article 21 of the Charter, face obstacles that prevent them from having effective access to opportunities under the Programme;

⁽²⁴⁾ Regulation (EU) 2018/1475 of the European Parliament and of the Council of 2 October 2018 laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU (OJ L 250, 4.10.2018, p. 1).

- (5) 'participating organisation' means a local, regional, national or international public or private entity, whether non-profit or profit-making, that has been attributed a quality label;
- (6) 'volunteering' means a solidarity activity that takes place, for a period of up to 12 months, as a voluntary unpaid activity that contributes to the achievement of the common good;
- (7) 'solidarity project' means an unpaid solidarity activity that takes place for a period of up to 12 months and that is carried out by groups of at least five participants with a view to addressing key challenges within their communities while presenting a clear European added value;
- (8) 'quality label' means the certification attributed, on the basis of varying specific requirements depending on the type of solidarity activity provided, to a participating organisation willing to provide solidarity activities under the Programme in a host capacity, in a support capacity, or in both capacities;
- (9) 'European Solidarity Corps Resource Centres' means the additional functions performed by designated national agencies to support the development, implementation and quality of solidarity activities under the Programme as well as the identification of the competences acquired by the participants through their solidarity activities;
- (10) 'European Solidarity Corps Portal' means an interactive web-based tool, in all official languages of the Union, managed under the responsibility of the Commission, that provides relevant online services to support the quality implementation of the Programme, that complements the activities of participating organisations, including providing information about the Programme, that registers participants, that searches for participants, that advertises and searches for solidarity activities, that searches for potential project partners, that supports contact making and offers for solidarity activities, training and communication and networking activities, that informs and notifies users about opportunities, that provides a feedback mechanism regarding the quality of solidarity activities and that allows other functions to be added in response to relevant developments related to the Programme;
- (11) 'Union transparency and recognition tool' means an instrument that helps stakeholders to understand, appreciate and, as appropriate, recognise non-formal and informal learning outcomes throughout the Union;
- (12) 'humanitarian aid activity' means an activity that supports post-crisis and long-term humanitarian aid operations in third countries, that is intended to provide needs-based assistance aimed at preserving life, preventing and alleviating human suffering, and maintaining human dignity in the face of man-made crises or natural disasters, and that includes assistance, relief and protection operations in ongoing humanitarian crises or their aftermath, supporting measures to ensure access to people in need and to facilitate the free flow of assistance, and actions that aim to reinforce disaster preparedness and disaster risk reduction, link relief, rehabilitation and development and contribute towards strengthening the resilience and capacity of vulnerable or disaster-affected communities to cope with and recover from crises;
- (13) 'third country' means a country that is not member of the Union.

Article 3

Programme objectives

1. The general objective of the Programme is to enhance the engagement of young people and organisations in accessible and high-quality solidarity activities, primarily volunteering, as a means to strengthen cohesion, solidarity, democracy, European identity and active citizenship in the Union and beyond, addressing societal and humanitarian challenges on the ground, with a particular focus on the promotion of sustainable development, social inclusion and equal opportunities.
2. The specific objective of the Programme is to provide young people, including young people with fewer opportunities, with easily accessible opportunities for engagement in solidarity activities that induce positive societal changes in the Union and beyond, while improving and properly validating their competences, as well as facilitating their continuous engagement as active citizens.

3. The Programme objectives shall be implemented under the strands of actions set out in Article 1(2).

CHAPTER II

Programme actions

Article 4

Programme actions

1. The Programme shall support the following actions:
 - (a) volunteering as set out in Articles 7 and 10;
 - (b) solidarity projects as set out in Article 8;
 - (c) networking activities as set out in Article 5(1); and
 - (d) quality and support measures as set out in Article 5(2).
2. The Programme shall support solidarity activities which present a clear European added value, for example through their:
 - (a) transnational character, particularly with regard to learning mobility and cooperation;
 - (b) ability to complement other programmes and policies at local, regional, national, Union and international level;
 - (c) European dimension regarding their themes and aims, approaches, expected outcomes and other aspects of those solidarity activities;
 - (d) approach to involving young people from different backgrounds;
 - (e) contribution to the effective use of Union transparency and recognition tools.
3. Solidarity activities shall be implemented in accordance with specific requirements set for each type of activity carried out in the framework of the Programme as referred to in Articles 5, 7, 8 and 10, as well as with applicable regulatory frameworks in Member States and third countries associated to the Programme.
4. References to the European Voluntary Service in the legal acts of the Union shall be read as including references to volunteering under both Regulation (EU) No 1288/2013 and this Regulation.

Article 5

Actions common to both strands

1. Networking activities shall be carried out in-country or cross-border and shall aim to:
 - (a) reinforce the capacities of participating organisations to offer high-quality, easily accessible projects to an increasing number of participants;
 - (b) attract new participants and new participating organisations;
 - (c) provide participants and participating organisations with opportunities to give feedback on solidarity activities and to promote the Programme; and
 - (d) contribute to the exchange of experiences and strengthening of a sense of belonging among participants and participating organisations, thereby supporting the wider positive impact of the Programme, including through activities such as the exchange of best practices and the creation of networks.
2. Quality and support measures shall include:
 - (a) appropriate measures to provide clearance requirements in accordance with applicable national law;
 - (b) measures taken before, during or after the solidarity activities that aim to ensure the quality and accessibility of those activities, including online and offline training, adapted, where appropriate, to the solidarity activity in question and its context, language support, insurance, including accident and sickness insurance, the further use of Youthpass, which identifies and documents the competences acquired by participants during the solidarity activities, capacity building, and administrative support for participating organisations;

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

CHAPTER III

Participation of young people in solidarity activities

Article 6

Purpose and types of actions

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

Article 7

Volunteering under the 'participation of young people in solidarity activities' strand

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

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

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

Article 8

Solidarity projects

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

CHAPTER IV

European Voluntary Humanitarian Aid Corps

Article 9

Purpose, principles and types of actions

1. Actions under the European Voluntary Humanitarian Aid Corps shall, in particular, contribute to providing needs-based humanitarian aid aimed at preserving life, preventing and alleviating human suffering and maintaining human dignity and to strengthening the capacity and resilience of vulnerable or disaster-affected communities.

2. The actions under the European Voluntary Humanitarian Aid Corps shall:
 - (a) be carried out in compliance with the humanitarian principles of humanity, neutrality, impartiality and independence, as well as with the 'do no harm' principle;
 - (b) respond to the humanitarian needs of local communities identified in cooperation with humanitarian and other relevant partners within the hosting country or region;
 - (c) be planned on the basis of risk assessments and undertaken in a way that ensures that there is a high level of safety and security for volunteers;
 - (d) where relevant, facilitate the transition from the humanitarian response to long-term sustainable and inclusive development;
 - (e) facilitate the active involvement of local staff and volunteers from the countries and communities in which they are implemented;
 - (f) wherever relevant, take into account the specific needs of women and seek to involve women and groups and networks of women; and
 - (g) contribute to efforts to strengthen local preparedness or the response to humanitarian crises.
3. The European Voluntary Humanitarian Aid Corps shall support the following actions:
 - (a) volunteering as set out in Article 10;
 - (b) networking activities for individuals and organisations participating in the European Voluntary Humanitarian Aid Corps as set out in Article 5(1);
 - (c) quality and support measures as set out in Article 5(2), with a particular focus on measures to ensure the safety and security of participants.

Article 10

Volunteering under the European Voluntary Humanitarian Aid Corps

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

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

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

CHAPTER V

Financial provisions

Article 11

Budget

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

3. The amount set out in paragraph 1 may be used for technical and administrative assistance for the implementation of the Programme, such as preparatory, monitoring, control, audit and evaluation activities, including corporate information technology systems.

4. Resources allocated to Member States under shared management may, at the request of the Member State concerned, be transferred to the Programme, subject to the conditions set out in Article 26 of a Regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (the 'Common Provisions Regulation for 2021-2027'). The Commission shall implement those resources directly in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or indirectly in accordance with point (c) of that subparagraph. Those resources shall be used for the benefit of the Member State concerned.

Article 12

Forms of Union funding and methods of implementation

1. The Programme shall be implemented, in a consistent manner, under direct management in accordance with point (a) of the first subparagraph of Article 62(1) of the Financial Regulation or under indirect management with bodies as referred to in point (c) of the first subparagraph of Article 62(1) of that Regulation.

2. The Programme may provide funding in any of the forms laid down in the Financial Regulation, in particular grants, prizes and procurement.

3. Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. Article 37(7) of Regulation (EU) 2021/695 of the European Parliament and of the Council⁽²⁵⁾ shall apply.

4. For selections under both direct and indirect management, members of the evaluation committee may be external experts as provided for in the third subparagraph of Article 150(3) of the Financial Regulation.

CHAPTER VI

Participation in the programme

Article 13

Third countries associated to the Programme

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

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

(b) acceding countries, candidate countries and potential candidate countries, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;

(c) European Neighbourhood Policy countries, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions or in similar agreements and in accordance with the specific conditions laid down in agreements between the Union and those countries;

(d) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:

(i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;

(ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs;

⁽²⁵⁾ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

- (iii) does not confer on the third country any decision-making power in respect of the Union programme; and
- (iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

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

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

Article 14

Other participating countries

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

Article 15

Participation of individuals

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

Article 16

Inclusion of young people with fewer opportunities

1. When implementing this Regulation, the Commission, the Member States and third countries associated to the Programme shall ensure that specific and effective measures are taken to promote social inclusion and equal access conditions, in particular for the participation of young people with fewer opportunities.
2. The Commission shall, by 9 December 2021, develop a framework of inclusion measures to increase participation rates among people with fewer opportunities and guidance for the implementation of such measures. That guidance shall be updated as necessary over the duration of the Programme. Based on the framework of inclusion measures, and with particular attention to the specific Programme access challenges within the national contexts, inclusion action plans shall be developed and shall form an integral part of the national agencies' work programmes. The Commission shall monitor the implementation of those inclusion action plans on a regular basis.
3. The Commission shall, where relevant, and safeguarding sound financial management, ensure that financial support measures, including pre-financing, are put in place to facilitate the participation of young people with fewer opportunities in the Programme. The level of support shall be based on objective criteria.

Article 17

Participating organisations

1. The Programme shall be open to the participation of public or private entities, whether non-profit or profit-making, and international organisations, provided that they have received a quality label.
2. The competent Programme implementing body shall assess an application from an entity to become a participating organisation based on the principles of:
 - (a) equal treatment;
 - (b) equal opportunities and non-discrimination;
 - (c) the avoidance of job substitution;
 - (d) the avoidance of harmful activities;

- (e) the provision of high quality, easily accessible and inclusive activities with a learning dimension focusing on personal, socio-educational and professional development;
- (f) adequate volunteering arrangements;
- (g) safe and decent environments and conditions, with internal mechanisms for conflict resolution to protect the participant; and
- (h) 'no-profit' in accordance with the Financial Regulation.

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

3. As a result of the assessment referred to in paragraph 2, the entity may be attributed a quality label. The competent Programme implementing body shall periodically reassess whether the entity continues to comply with the conditions that led to the attribution of the quality label. Where the entity no longer complies with those conditions, the competent Programme implementing body shall take remedial measures until such time as the conditions and quality requirements are met. In the event of continued failure to comply with those conditions and quality requirements, the quality label shall be revoked.

4. Any entity which has received a quality label shall be given access to the European Solidarity Corps Portal in a host capacity, in a support capacity, or in both capacities, and shall be able to make offers of solidarity activities to registered candidates.

5. The quality label shall not automatically lead to funding under the Programme.

6. The solidarity activities and related quality and support measures offered by a participating organisation may receive funding under the Programme or from other funding sources which do not depend on the Union budget.

7. For participating organisations under the European Voluntary Humanitarian Aid Corps, the safety and security of volunteers, based on risk assessments, shall be a priority.

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

Article 18

Access to the funding under the Programme

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

CHAPTER VII

Programming, monitoring and evaluation

Article 19

Work programme

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

Article 20

Monitoring and reporting

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

2. To ensure the effective assessment of the Programme's progress towards the achievement of its objectives, the Commission is empowered to adopt delegated acts, in accordance with Article 30, to amend the Annex with regard to the indicators, where considered necessary, and to supplement this Regulation with provisions on the establishment of a monitoring and evaluation framework.

3. The performance reporting system shall ensure that data for monitoring the implementation and results of the Programme are collected efficiently, effectively, in a timely manner and at the appropriate level of detail.

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

Article 21

Evaluation

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

2. Once sufficient information about the implementation of the Programme is available but, in any event, no later than 31 December 2024, the Commission shall carry out an interim evaluation of the Programme. That interim evaluation shall also be accompanied by a final evaluation of the 2018-2020 European Solidarity Corps Programme, which shall feed into the interim evaluation. The interim evaluation of the Programme shall assess the overall effectiveness and performance of the Programme, as well as the delivery of the inclusion measures.

3. Without prejudice to the requirements set out in Chapter IX and the obligations of national agencies set out in Article 24, Member States shall submit to the Commission, by 31 May 2024, a report on the implementation and the impact of the Programme in their respective territories.

4. Where appropriate, and on the basis of the interim evaluation, the Commission shall put forward a legislative proposal to amend this Regulation.

5. After 31 December 2027 but, in any event, no later than 31 December 2031, the Commission shall carry out a final evaluation of the results and impact of the Programme.

6. The Commission shall transmit any evaluations carried out under this Article, including the interim evaluation, accompanied by its observations, to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions.

CHAPTER VIII

Information, communication and dissemination

Article 22

Information, communication and dissemination

1. The recipients of Union funding shall acknowledge the origin of those funds and ensure the visibility of the Union funding, in particular when promoting the actions and their results, by providing coherent, effective and proportionate targeted information to multiple audiences, including the media and the public.

2. The Commission shall implement information and communication actions relating to the Programme, to actions taken pursuant to the Programme and to the results obtained. Financial resources allocated to the Programme shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives referred to in Article 3.

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

4. Participating organisations shall use the name 'European Solidarity Corps' for the purposes of communicating and disseminating information related to the Programme.

CHAPTER IX

Management and audit system

Article 23

National authority

In each Member State and third country associated to the Programme, the national authorities designated for the management of actions referred to in Chapter III of Regulation (EU) 2021/817 shall also act as national authorities in the framework of the Programme. Article 26(1), (2), (6), (7), (9), (10), (11), (12), (13) and (14) of Regulation (EU) 2021/817 shall apply *mutatis mutandis* to national authorities under the Programme.

Article 24

National agency

1. In each Member State and third country associated to the Programme, the national agencies designated for the management of the actions referred to in Chapter III of Regulation (EU) 2021/817 in their respective countries shall also act as national agencies in the framework of the Programme. Article 27(1) and (2) and (4) to (8) of Regulation (EU) 2021/817 shall apply *mutatis mutandis* to the national agencies under the Programme.

2. Without prejudice to Article 27(2) of Regulation (EU) 2021/817, the national agency shall also be responsible for managing all stages of the project lifecycle of those Programme actions listed in the implementing acts referred to in Article 19 of this Regulation, in accordance with point (c) of the first subparagraph of Article 62(1) of the Financial Regulation.

3. Where a national agency has not been designated for a third country as referred to in Article 13(1) of this Regulation, it shall be established in accordance with Article 27 of Regulation (EU) 2021/817.

Article 25

European Commission

1. The rules applying to the relationship between the Commission and a national agency shall be laid down, in accordance with Article 27 of Regulation (EU) 2021/817, in a written document which shall:

- (a) set out the internal control standards for the national agency concerned and the rules for the management of the Union funds for grant support by the national agencies;
- (b) include the national agency work programme comprising the management tasks of the national agency to which Union support is provided; and
- (c) specify the reporting requirements for the national agency.

2. Each year, the Commission shall make the following funds available to the national agency:

- (a) funds for grant support in the Member State or third country associated to the Programme concerned for Programme actions the management of which is entrusted to the national agency;
- (b) a financial contribution in support of the national agency's management tasks, which shall be established in accordance with the arrangements set out in point (b) of Article 28(3) of Regulation (EU) 2021/817.

3. The Commission shall lay down the requirements for the national agency's work programme. The Commission shall not make Programme funds available to the national agency before having formally approved the national agency's work programme.

4. On the basis of the compliance requirements for national agencies referred to in Article 26(3) of Regulation (EU) 2021/817, the Commission shall review the national management and control systems, the national agency's yearly management declaration and the opinion of the independent audit body thereon, taking due account of the information provided by the national authority on its monitoring and supervision activities with regard to the Programme.

5. After assessing the yearly management declaration and the opinion of the independent audit body thereon, the Commission shall address its opinion and observations to the national agency and the national authority.

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

*Article 26***Independent audit body**

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

*CHAPTER X***Control system***Article 27***Principles of the control system**

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

*Article 28***Protection of the financial interests of the Union**

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

*CHAPTER XI***Complementarity***Article 29***Complementarity of Union action**

1. The Programme actions shall be consistent with and complementary to the relevant policies, instruments and programmes at Union level, in particular the Erasmus+ Programme, as well as to existing networks at Union level relevant to the activities of the Programme.
2. The Programme actions shall also be consistent with and complementary to the relevant policies, programmes and instruments at national level in the Member States and third countries associated to the Programme. To that end, the Commission, national authorities and national agencies shall exchange information on existing national schemes and priorities related to solidarity and youth, on the one hand, and actions under the Programme, on the other hand, with a view to building on relevant good practices and achieving efficiency and effectiveness.
3. Volunteering as set out in Article 10 shall, in particular, be consistent with and complementary to other areas of Union external action, in particular humanitarian aid policy, development cooperation policy, enlargement policy, neighbourhood policy and the Union Civil Protection Mechanism.

4. An action that has received a contribution under the Programme may also receive a contribution from another Union programme, provided that the contributions do not cover the same costs. The rules of the relevant Union programme shall apply to the corresponding contribution to the action. The cumulative financing shall not exceed the total eligible costs of the action. The support from the different Union programmes may be calculated on a pro-rata basis in accordance with the documents setting out the conditions for support.

5. Project proposals may receive support from the European Regional Development Fund or the European Social Fund Plus, in accordance with Article 73(4) of the Common Provisions Regulation for 2021-2027, where they have been awarded a Seal of Excellence label under the Programme by virtue of complying with the following cumulative conditions:

- (a) they have been assessed in a call for proposals under the Programme;
- (b) they comply with the minimum quality requirements of that call for proposals; and
- (c) they cannot be financed under that call for proposals due to budgetary constraints.

CHAPTER XII

Transitional and final provisions

Article 30

Exercise of the delegation

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

Article 31

Committee procedure

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

Article 32

Repeal

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

Article 33

Transitional provisions

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

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

Article 34

Entry into force

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

It shall apply from 1 January 2021.

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

Done at Brussels, 20 May 2021.

For the European Parliament
The President
D.M. SASSOLI

For the Council
The President
A.P. ZACARIAS

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ANNEX

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

The following areas are to be monitored:

- (a) the number of participants in solidarity activities;
 - (b) the share of participants with fewer opportunities;
 - (c) the number of organisations holding a quality label;
 - (d) the number of participants who are young people with fewer opportunities;
 - (e) the share of participants reporting positive learning outcomes;
 - (f) the share of participants whose learning outcomes have been documented through a Union transparency and recognition tool such as Youthpass, Europass or a national tool;
 - (g) the overall satisfaction rate of participants with regard to the quality of activities;
 - (h) the share of activities that address climate objectives;
 - (i) the degree of satisfaction of volunteers deployed in the humanitarian aid field and of participating organisations with regard to the effective humanitarian contribution of the activities on the ground;
 - (j) the number of activities in third countries that contribute to strengthening local actors and local communities and complementing volunteering under the European Voluntary Humanitarian Aid Corps.
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