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This document corrects document COM(2018) 383 final of 30.05.2018.
Modification of the cross-references in the cover page.
Concerns only English language version.
The text shall read as follows:

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
establishing the Rights and Values programme

{SWD(2018) 290 final} - {SWD(2018) 291 final} - {SEC(2018) 274 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

This proposal provides for a date of application as of 1 January 2021 and is presented for a Union of 27 Member States, in line with the notification by the United Kingdom of its intention to withdraw from the European Union and Euratom based on Article 50 of the Treaty on European Union received by the European Council on 29 March 2017.

• Reasons and objectives

The European Union's aim is to promote peace, its values and the well-being of its people. The Union is a community of law, and its values constitute the very basis of its existence. These values are enshrined in the EU Treaties, the EU Charter of Fundamental Rights and the UN Convention on the Rights of Persons with Disabilities.

In particular, Article 2 of the Treaty of the European Union states that *'the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail'*. Article 3 further specifies that the *'Union's aim is to promote peace, its values and the well-being of its people'* and, among others, *'it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced'*. Along these lines, the Commission's reflection paper on the future of EU finances¹ states that *'the EU budget supports this aim, working together with national budgets and complementing other efforts at European and national level'*.

Those values encompass in particular fundamental rights, non-discrimination and equality, anti-racism and tolerance, the respect for human dignity, the rule of law and the independence of the judiciary, cultural diversity, a vibrant civil society, freedom of expression and citizen participation in democratic life.

Furthermore, a sense of belonging to a common cultural heritage, memory and remembrance is a necessary pre-condition for participating in a democratic community and removing stereotypes and divisions between Europeans.

This Commission has set a Union of democratic change as one of its ten political priorities and is working in that context to engage citizens about what the EU does and the way it functions and to build trust in the Union.

EU finances can provide added value and help to uphold common European values.

To promote common European values and rights, the EU has combined several instruments in a policy mix of legislation, policies and funding. In particular, the following funding programmes have showed a strong societal focus and are clearly related to European values: the Rights, Equality and Citizenship programme, the Europe for Citizens programme, and the Justice programme.

These programmes have led to real, progress in promoting values and implementing the set of rights that EU legislation grants to people across the Union.

To give some examples, people are more aware of their rights, common history and culture, more women are in work, children's rights have been promoted and protected, justice systems are more effective with legal practitioners knowing how and when to apply EU acquis and

¹ COM(2017) 358 of 28 June 2017.

with a thriving cross-border cooperation, there is more democratic and civic participation at Union level, and a deeper understanding of and respect for different memories, cultures and traditions.

Under Union law, people can rely on a set of rights, on an independent and effective justice system and the respect of the rule of law. Through dedicated funds, the EU has shown its firm commitment to combatting violence against women and children, fighting all forms of discrimination, promoting and protecting the rights of persons with disabilities and supporting a vibrant and strong civil society in the EU.

Despite the progress achieved under the current programmes, several gaps persist in the policy areas in question and new challenges have emerged that need to be tackled.

The common challenges the EU faces with justice, rights and values are twofold:

- The Union's vocation to be a community based on shared values and rights, a shared historical and cultural heritage and people's involvement is hampered by some emerging movements which challenge the idea of open, inclusive, cohesive and democratic societies where civic participation and the enjoyment of rights make it possible to build a tolerant way of living together.
- The fragmented nature and limited resources of current EU funding programmes dedicated to values, rights, citizenship and justice limits the EU's capacity to respond to existing and new challenges. 'Lack of budget of the programmes to satisfy demand' is a main obstacle that the respondents to the public consultation say could prevent the current programmes from achieving their objectives.

A more detailed analysis also shows the following:

- People still do not fully enjoy their rights: inequalities and discrimination on the grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation still exist. Violence is still a reality in the daily lives of many women, children and other people at risk.
- There is more to be done to make sure that citizens are aware of the values of the EU and the benefits of EU citizenship, and to encourage a higher level of political and societal participation and better understanding of the Union, its history, cultural heritage and diversity;
- The rights stemming from EU citizenship — on free movement, consular protection and electoral rights — are still not fully known and implemented, thus hindering citizens' political and societal participation.
- Economic crises, persisting inequalities and challenges such as of migration have led some to question the fundamental rights and the values on which the European Union is founded are being put to the test. In some cases, the rule of law, access to justice, space for civil society and the independence of the judiciary are also being challenged.
- Judicial cooperation in civil and criminal matters is insufficient, and access to justice across Member States is still difficult. Tools for collecting comparative information about the quality, independence and efficiency of Member States' justice systems need to be improved. A main obstacle to mutual recognition and judicial cooperation is the lack of trust in the judicial systems of other Member States.

The consequences of not addressing these challenges could be serious as confidence in democracy and support for upholding values and fundamental rights would be weakened.

These challenges are common to all Member States and have cross-border dimensions. While action at national level is important, individual Member States alone do not have sufficient leverage to tackle these challenges.

Promoting and defending EU values and rights has profound implications for the political, social, cultural, judicial and economic life of the Union and contributes to the EU having a tangible impact on people's day-to-day lives. EU-level action in this area needs to be sustained and stepped up in order to address persisting gaps and new challenges, and ensure the promotion, effective protection and respect of rights and values; this will also help to complete the internal market and foster prosperity and cohesion in the EU. It will also allow the EU to play a key role in defending and promoting its values at global level and contribute to the UN's sustainable development goals.

In the light of the above, the new funding programme 'Rights and Values' will aim at protecting and promoting rights and values as enshrined in the EU Treaties and in the EU Charter of Fundamental Rights, including by supporting civil society organisations, in order to sustain open, democratic and inclusive societies.

This new programme, together with the Justice programme, will be part of a new Justice, Rights and Values Fund of the EU budget that will help to sustain open, democratic, pluralist and inclusive societies. It will also help to empower people by protecting and promoting rights and values and by further developing an EU area of justice.

- **Consistency with existing policy provisions**

The Justice Rights and Values Fund contributes directly to several of the European Commission's priorities², in particular, the creation of an area of justice and fundamental rights based on mutual trust, a deeper and fairer internal market and a Union of democratic change, growth and jobs.

The new programme is consistent with the European Pillar of Social Rights, jointly proclaimed by the European Parliament, the Council and the Commission on 17 November 2017. The Pillar is about delivering new and more effective rights for citizens, building upon 20 key principles including among others gender equality, equal opportunities, support to children or inclusion of people with disabilities.

Citizenship is a good policy field for developing synergies between the current funding programmes for education, culture and EU citizenship. Stronger synergies between the Europe for Citizens programme and the Rights, Equality and Citizenship programme could be achieved through closer thematic cooperation, for example in the area of anti-racism, equality, cultural heritage, remembrance and cultural diversity. Remembrance activities, town-twinning or pan-European networks are intended to broaden perspectives and develop a sense of European belonging and European identity.

- **Consistency with other Union policies**

The Justice, Rights and Values fund and its two underlying funding programmes will help to strengthen and uphold EU values and the respect of the rule of law and to sustain the open, democratic, inclusive and creative societies which Europeans expect. Already under current rules, Member States are required to show that their rules and procedures for financial management of EU money are robust and funding is sufficiently protected from abuse or fraud. Only an independent judiciary that upholds the rule of law and legal certainty in all

² https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en.pdf.

Member States can ultimately guarantee that money from the EU budget is sufficiently protected.

On the basis of Article 322 of the Treaty on the Functioning of the European Union (TFEU), the Commission has proposed a Regulation on the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States. The new Regulation will complement the instruments aiming at upholding EU common values, including this programme.

The Rights and Values programme will fund policies dealing with values and rights and have at its core people's lives and participation. In that respect, it will have close synergies with several policies and their funding programmes. The following synergies are worth highlighting:

- Synergies with **employment, social and education policies**

The future European Social Fund plus will be a major building block of the 'Investing in People and Values' cluster. This building block will provide support to citizens by investing in: human capital, (youth) employment, social innovation, the acquisition of basic digital skills, the integration of migrants, the social inclusion of the most deprived, and a high level of human health protection. Potential synergies will be developed or strengthened, in particular to promote gender equality and equal opportunities for under-represented groups such as the Roma, and to promote social justice, EU values and the respect of fundamental rights.

Synergies with the Erasmus+ programme can be strengthened, given that Erasmus+ also supports disadvantaged groups — such as youngsters with disabilities — gain better access to education, it supports actions that aim to achieve stronger social inclusion and it aims to promote common values through education. Already existing synergies with Creative Europe will be maintained and reinforced, in particular as regards cultural heritage and cultural diversity.

- Synergies with **external, development cooperation and enlargement policies**

The promotion of values and rights within the EU is mirrored by their promotion at the global level, including through the linkages with the implementation of the Sustainable Development Goals. In this respect, synergies need to be developed, in particular with the EU's external action at multilateral level but also in development cooperation aid and in enlargement policy, to ensure coherence in the promotion of human rights, the rule of law gender equality, anti-discrimination, tolerance..

- Synergies with the **Single Market**

The future Single Market programme will provide support to citizens and consumers in the internal market, thus helping to enhance their rights and empower them. In this respect, it will complement the actions funded by the Rights and Values programme which has a strong focus on empowering people.

By financing activities involving company law, contract law and anti-money laundering, the future Single Market programme will complement the Justice programme and contribute directly to the implementation of EU justice policy and the creation of an EU area of justice. The same is valid for consumer policy.

- Synergies with **migration, border management and security**

The Rights and Values programme will help to address the different challenges that are undermining social cohesion in the EU. This programme will support activities to combat and

prevent racism, xenophobia, hate speech and violent extremism, thus also contributing to the fight against radicalisation and terrorism more broadly. By promoting and protecting the rights of the child in vulnerable situations (including migration), preventing violence against women and children and supporting actions combating discrimination, this programme also contributes to priorities and objectives related to the better management of migration, the promotion of inclusion and addressing trafficking in human beings.

- Synergies with **environmental policy**

The coverage of health-related matters in the Rights and Values Programme will complement the coverage of health-related matters under EU environmental policy, including measures with an environmental health dimension under the LIFE Regulation³.

- **Climate mainstreaming**

The Commission proposal for the 2021-2027 Multiannual Financial Framework set a more ambitious goal for climate mainstreaming across all EU programmes, with an overall target of 25% of EU expenditure contributing to climate objectives. The contribution of this programme to the achievement of this overall target will be tracked through an EU climate marker system at an appropriate level of disaggregation, including the use of more precise methodologies where these are available. The Commission will continue to present the information annually in terms of commitment appropriations in the context of the annual draft budget.

To support the full utilisation of the potential of the programme to contribute to climate objectives, the Commission will seek to identify relevant actions throughout the programme preparation, implementation, review and evaluation processes.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Articles 16(2), 19(2), 21(2), 24, 167(5) and 168 of the Treaty on the Functioning of the European Union (TFEU). The combination of these articles is necessary to continue supporting policies which are developed and implemented in the current programmes. It is not meant to extend activities to new policy areas. The combination of more than one Article is necessary to achieve the programme's general objectives in a comprehensive way and to adopt a simplified and more efficient approach to funding.

Under Article 16(2) TFEU, the Union has the power to adopt measures relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies and by Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. This Treaty provision is a legal basis for this proposal.

Article 19(2) provides for the adoption of incentive measures to support Member State action in combating discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, including activities promoting equality between women and men and supporting the rights of the child. This Treaty provision is a legal basis for this proposal.

³ Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 Text with EEA relevance

Article 21(2) TFEU provides for Union measures to facilitate the exercise of citizens' rights to move and reside freely within the territory of the Member States. Actions to inform citizens and authorities about the rights to diplomatic and consular protection and about their voting rights can also be covered by this Article since in practice they facilitate the exercise of a citizen's right to move and reside freely.

Democratic engagement, civic participation and the fostering of civil society are essential building blocks of the notion of EU citizenship and the right to move and reside freely in the EU as defined in Article 21(1). In this regard, they constitute crucial factors and facilitators of the right to move and reside freely in the EU.

Article 24 TFEU provides for citizens' initiatives within the meaning of Article 11 TEU. The former is a legal basis for this proposal to the extent that it provides for the financing of the technical and organisational support to implement Regulation [(EU) No 211/2011], thereby underpinning the exercise by citizens of their right to launch and support European citizens' initiatives.

Article 167 TFEU tasks the Union to contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and by bringing forward the common cultural heritage. The actions by the Union shall encourage co-operation between Member States and supplement their actions in areas such as, inter alia, improvement of the knowledge and dissemination of the culture and history of the European peoples and conservation and safeguarding of cultural heritage of European significance. Article 167(5) TFEU is therefore a legal basis for this proposal.

Article 168 TFEU provides for a high level of human health protection and Union action complementing national policies in preventing physical and mental illness and obviating sources of danger to physical and mental health. Violence, including against children and women, constitutes a danger to physical and mental health. Children are vulnerable citizens and need an increased level of protection against these dangers often include cross-border threats. Violence against women also constitutes a serious threat to the physical and mental health of victims, who are in need of a high level of protection. Article 168 TFEU is therefore a legal basis for this proposal.

- **Subsidiarity (for non-exclusive competence)**

The promotion and protection of values requires transnational cooperation mechanisms and networking opportunities. Member States acting alone typically cannot achieve this.

In many areas, such as equality and non-discrimination or citizenship, individuals are protected by Union law and legislation but are not sufficiently aware of their rights. Only by raising awareness, sharing best practices and providing training at EU level will it be possible to reach persons in all Member States, inform administrative structures/authorities and convey a consistent message. At the same time, acting at EU level produces economies of scale, ensures the quality of the actions and guarantees that Member States have a consistent interpretation and coherent application of legislative instruments throughout the EU.

Funding at national or regional level for activities promoting EU citizen participation is very limited, and in many EU countries there is even less funding for remembrance activities. Even where beneficiaries receive funding for similar activities, alternative funding sources do not give priority to promoting citizenship and remembrance at EU level. Stakeholders' limited or inexistent ability to conduct similar projects without the support of EU funding highlights the level of reliance of beneficiaries on such funds.

- **Proportionality**

The proposal complies with the principle of proportionality, in that it does not go beyond the minimum required to achieve the stated objective at European level and what is necessary for that purpose.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Retrospective evaluations/fitness checks of existing legislation**

The mid-term evaluation of the **Rights, Equality and Citizenship programme** shows that the problems and drivers underlying the programme's general objective and specific objectives are still relevant. The overall support needs identified at the start of the REC programme have not been fully met and continue to be relevant. Overall, the REC programme is appropriately addressing the relevant groups but a more systematic analysis of their needs should be carried out in the implementation. In addition, issues regarding equity (distribution of funds across the groups of beneficiaries, involvement of equality bodies, gender mainstreaming, mainstreaming of rights of the child and rights of people with disabilities) in programming, implementation and monitoring have also been identified. Also, a coordination and information exchange between EU programmes and projects would be instrumental to further their coherence.

Progress in implementing the REC programme has been satisfactory in terms of financial implementation and the programme activities' outreach to participants. Analysis of what the REC programme has accomplished shows that the groups participating in the activities funded by the programme now have a better understanding of Union law and policies. Beneficiaries gave a largely positive assessment of the activities in which they participated although there is scope to improve this sustainability. The range of communication activities to promote the REC programme has been largely successful. However, efforts need to continue to ensure all potential applicants in all Member States are reached. A key achievement of the new programme, compared to prior programmes, has been the lower burden on beneficiaries in terms of time and money: beneficiaries surveyed report that both the preparation of the proposals and the implementation of the activities have become less burdensome.

The types of implementing measures (operating grants, action grants, direct grants and procurement) are in line with the programme's objectives and with the needs of stakeholders eligible for support. The REC funding regulation provided great flexibility with the use of restricted calls, especially when it came to implementing large-scale awareness campaigns on data protection and the prevention of violence. Beneficiaries of the programme raised concerns regarding the efficiency of the application process, implementation and reporting duties and mechanisms. Simplification is an area where room for improvement remains.

The evaluations and studies of the **Europe for Citizens** programme these past 10 years have shown that the programme has played an important role as the only EU programme directly targeting citizens and involving them through a bottom-up approach. The mid-term evaluation of the Europe for Citizens 2014-2020 programme showed that its objectives were and remain relevant to the problems to be addressed, i.e. to contribute to citizens' understanding of the Union, its shared history and diversity, and to foster European citizenship and improve conditions for civic and democratic participation at Union level. These two strands are not only complementary but mutually supportive because of the connection between lessons learned from the past and plans made for the future of Europe. The high number of direct and indirect participants that Europe for Citizens has reached illustrates that the programme has been effective at a relatively low cost. At the same time, the high demand from grant applicants shows that there is scope for additional funding, and this was requested by

stakeholders consulted during the evaluation. In its March 2017 report on the implementation of the Europe for Citizens 2014-2020 programme, the European Parliament expressed its strong support for the programme and called for a substantial budgetary increase. Europe for Citizens has demonstrated its added value at EU level thanks to its impact on participants and its role as a complement to other EU funding programmes and policy initiatives on education, culture and EU citizenship. Aspects that have been identified for improvement include in particular increasing the programme's visibility, revising the monitoring indicators and developing stronger synergies with other relevant EU funding programmes and initiatives.

- **Stakeholder consultations**

The consultation strategy supporting this preparatory work for the programme included: (i) a public consultation on values and mobility and on the proposal for the post-2020 multiannual financial framework; (ii) public consultations for the mid-term evaluation of the current funding programmes; and (iii) several ad hoc consultations that the Commission organised in the form of roundtable discussions with stakeholders, conferences and seminars.

THE OPEN PUBLIC CONSULTATION ON EU FUNDS IN THE AREA OF VALUES AND MOBILITY

Consultations have taken place in the context of evaluations of existing EU financial programmes covering several policy areas and notably looked at current performance and future challenges. The purpose of the public consultation on EU funds in the area of values and mobility was to collect the views of all interested parties on how to make the most of every euro of the EU budget. The public consultation on EU funds in the area of values and mobility was open from 10 January 2018 to 9 March 2018 in 23 official EU languages.

In response to the online public consultation on EU funds in the area of values and mobility, the Commission received a total of **1 839 replies from all over Europe**. Of these, 52% were from respondents with experience of Erasmus+ and 43% were from respondents with experience of the Creative Europe programme.

There was at least one response from each Member State, The **country of residence** with the most contributions overall was Germany (24.4%), followed by France (8.7%), Belgium (7.7%) and Spain (5.4%).

Of the 1 839 contributions received via the online questionnaire, 65.2 % (1 199) were from **organisations** and 34.8 % (640) from **individuals**.

A wide range of stakeholders shared their opinions: of the 1 199 contributions from organisations, 355 **(19.3%) were from non-governmental organisations**, platforms or networks, 270 **(14.7%) from private enterprises** (mainly micro and small businesses) and 127 **(6.9%) from researchers and academics**.

The analysis summed up below focuses on the respondents with experience of the following EU programmes:

1. Europe for Citizens programme and/or
2. Rights, Equality and Citizenship programme and/or
3. Creative Europe programme and/or
4. Justice programme.

Below are some of the main results:

- According to the respondents, **‘Promoting European identity and common values’** and **‘promoting rights and equality’** are important common policy challenges (among the first four challenges mentioned) to be addressed in each of the four

programmes. **‘Supporting active citizenship, democratic participation in society and the rule of law’** and **‘Promoting social inclusion and fairness’** also appear to be important challenges to be addressed in the relevant programmes but to a lesser extent in the Creative Europe programme, for which **economic challenges and cultural diversity** are more important.

- **‘Supporting innovation’, ‘Fostering European cultural diversity and cultural heritage’, ‘Promoting European identity and common values’** are considered policies that address fully or fairly well the challenges faced by half or more of the respondents with experience of the four programmes concerned. Also, 52 % of the respondents with experience of the Creative Europe programme consider that the policy to **‘Support competitiveness of European cultural and creative sectors’** addresses the challenges fully or fairly well.
- Around 80 % of the respondents with experience of the four EU programmes mentioned above agree that these programmes add value to a large extent or to a fairly good extent to what Member States could achieve at national, regional and/or local level.
- The main obstacles identified by the respondents that could prevent the current programmes/funds from achieving their objectives are very similar regardless of the programme concerned: **‘Lack of budget of the programmes to satisfy demand’; ‘Insufficient support provided to small-scale stakeholders’; ‘Lack of support to first-time applicants’** are identified as the main three obstacles.
- Respondents with experience of one or more of the four EU programmes agree that **‘the use of more simplified application forms’, ‘facilitating structured network and partnerships’, ‘facilitating funding for actions cutting across the sectors of action’** and **‘better coordination between different programmes/funds’** are the main steps to be taken to simplify and reduce the administrative burden for beneficiaries.

Impact assessment

The impact assessment was prepared to analyse a possible European Culture, Rights and Values programme merging the 2014-2020 Rights, Equality and Citizenship programme, the Europe for Citizens programme and the Creative Europe programme — and the Justice programme. The Commission decided to have a self-standing Creative Europe programme and to create a Justice, Rights and Values Fund with two underlying funding programmes: the Justice programme and the Rights and Values programme. The impact assessment remains valid in underpinning all these initiatives.

On 20 April 2018, the Regulatory Scrutiny Board gave a positive opinion on the accompanying impact assessment. The Board included a recommendation to further improve the report, some key aspects of this being full exploitation of the evaluation results and findings outcomes, a better design of the future priorities and clarification of the expected impacts of the changes in delivery mechanisms. These aspects were strengthened in the final version of the impact assessment. The impact assessment compiled the lessons learned from the Creative Europe programme, the Rights, Equality and Citizenship programme, the Europe for Citizens programme and the Justice programme and proposed a new structure. It also explored delivery mechanisms that will promote EU values and culture while achieving the objectives of efficiency, flexibility, synergies and simplification set for the next multiannual financial framework. The results of the mid-term evaluation have been duly taken into account. All the programmes evaluated have shown clear added value. With the new

clustering, it will be possible to further exploit the potential of current programmes to promote EU values and increase EU added value.

Three main scenarios were analysed:

- The status quo of maintaining four funding programmes under the ‘values’ sub-cluster of the EU budget, namely the Rights, Equality and Citizenship programme, the Justice programme, the Creative Europe programme and the Europe for Citizens programme.
- As an alternative to the current situation and baseline scenario, the second scenario proposed developing synergies among the current programmes and combining them to form a single political chapeau on EU values with two underlying funding programmes: the European Culture, Rights and Values programme and the Justice programme.
- A third scenario involved the creation of one single funding programme covering all four funding programmes listed above.

The baseline scenario: the status quo with four funding programmes and a proportional 15 % budgetary cut

Analysis of the baseline scenario with a possible 15 % cut in the available funding shows that there would be negative consequences for policy implementation. In particular:

A 15 % reduction in funding for the **REC** programme would result in an annual prioritisation, i.e. concentration of funding in some policy areas in one year and promotion of other policy areas in the following years, in contradiction with the increasing needs in the field. This reduction would also mean cutting back on studies, data collection, awareness-raising campaigns etc., all necessary to have sound, evidence-based policy and legislation.

For the **Europe for Citizens programme**, a budgetary cut of 15 % would reduce the baseline budget to €157 million, which is insufficient for the Commission’s commitment to put citizens at the centre of the European process. The critical mass of participants and the geographical coverage of activities necessary to achieve the intended impact would no longer be reached. A stable budgetary allocation (based on the 2017 budget) would allow continuity but still have limited impact.

A decrease of 15 % in funding for the **MEDIA sub-programme of Creative Europe** would inevitably mean streamlining and concentrating on a limited number of actions. A reduction in funding would disproportionately impact lower production countries and/or countries with a restricted geographic/linguistic area. It would also reduce the number of training activities for audiovisual professionals and the number of EU co-productions, which are works that travel better across borders. Reducing the scope of the network of cinema operators would negatively impact the access of EU citizens, notably from Central and Eastern European countries, to non-national European content.

A decrease of 15 % for the Culture sub-programme of **Creative Europe** would not make it possible to reach a critical mass to respond to the needs of the cultural and creative sectors. This would imply in particular less European added value and therefore a reduced impact on cultural diversity, fewer opportunities for cross-border cooperation, fewer market opportunities and fewer career possibilities for practitioners from the cultural and creative sectors. The societal impact would be reduced, and the international opening of the programme might need to be limited to its pre-2014 level and the participation of key EU neighbouring partner countries abandoned.

The **Financial Guarantee** for the cultural and creative sectors could be put at risk, which would be detrimental to the cultural and creative sectors, especially for eastern countries whose financial markets are less developed and where therefore there are therefore fewer possibilities to access to finance.

Discarded alternative in the impact assessment: one programme

For reasons related to the legal basis, the alternative proposed in the third scenario of a single instrument/programme has been discarded. Indeed, most of the activities and policies are based on articles that provide for an ordinary legislative procedure except for the current Europe for Citizens programme. Currently, the main focus of the Europe for Citizens programme is on civic participation and is therefore based on Article 352 TFEU (unanimity). After analysis, the objectives of the corresponding activities could, if their focus was modified to a certain degree, be adapted to fit with the new approach of a broader programme; in such case, they would fall within the scope of Article 167(1) and (2) TFEU, which provides for the ordinary legislative procedure. However, given the position of the United Kingdom and Ireland on the area of freedom, security and justice and the position of Denmark as laid down in Protocols 21 and 22 annexed to the Treaties, the Justice programme, while also commanding the ordinary legislative procedure, needs to remain a separate instrument.

Proposed alternative in the impact assessment: an EU Values framework with two funding programmes

The analysis shows that there is room for improvement in relation to the current situation of four funding programmes. Therefore, as an alternative to the current situation and baseline scenario, it is proposed that synergies be developed among the current programmes and prerogative lines and combined into a single political chapeau on EU values with two underlying funding programmes: the European Culture, Rights and Values programme and the Justice programme, as presented below:

The new architecture of the future funding as an alternative to the baseline scenario aims at:

- developing synergies among policies, finding a common ground for action, while respecting their specific features;
- reducing overlap and fragmentation;
- ensuring flexibility in the allocation of funds, while ensuring a certain degree of predictability of funding dedicated to each policy;
- fostering cross-sectoral and innovative actions;
- ensuring a critical mass of resources to promote values, taking also into account the needs of each policy.

Retained alternative

The Commission decided to have a self-standing Creative Europe programme and to create a Justice, Rights and Values Fund including two programmes: the Justice programme and the Rights and Values programme. The impact assessment remains valid in underpinning these initiatives. This decision is reflected in the post-2020 MFF proposal package that the Commission presented on 02 May 2018⁴.

• Simplification

The proposed Rights and Values programme is the result of grouping together two funding programmes, namely the Rights, Equality and Citizenship programme and the Europe for

⁴ COM(2018)321.

Citizens programme. These programmes are small instruments, which cannot reach a critical mass and whose effectiveness is constrained by their relatively low budgets. Therefore, bringing them together will mean simplification, synergies and mutual reinforcement and will help to make them more effective.

In particular, by re-grouping citizenship activities under the same objectives, the procedures will be easier for beneficiaries who will have a single entry point for their proposals.

The current Europe for Citizens programme has already undergone substantial simplification with measures such as lump sums and flat rates, e-form applications and grant decisions. Along these lines, simplified implementation will be sought for the policy areas funded by the Rights, Equality and Citizenship programme with measures such as lump sums, flat rates and unit costs.

The complexity and diversity of the funding rules of the current programmes represent an obstacle for applicants. Providing a single entry point for external users to participate in the grants life cycle (i.e. a participant portal), which includes a comprehensive system to manage grants, can play an important role in simplifying access to the programme. The Rights, Equality and Citizenship programme is managed through the Commission corporate system initially developed for the Horizon 2020 programme, whereas the Europe for Citizens programme may follow at a later stage. Once this migration finalised, the Rights and Values programme and its beneficiaries will benefit from this simplification.

- **Fundamental rights**

The objectives of the Rights and Values programme are closely linked to the promotion of fundamental rights and are in line with the Charter of Fundamental Rights of the EU. In particular, the new programme, together with the Justice programme, will be part of a Justice, Rights and Values Fund of the EU budget aimed at to sustaining open, democratic, and inclusive societies, empowering people by protecting and promoting rights and values and developing further an EU area of justice.

4. BUDGETARY IMPLICATIONS

The financial allocation for implementing the Rights and Values programme from 1 January 2021 to 31 December 2027 will amount to EUR [641 705 000] (current prices).

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

An implementation plan will be developed to specify the arrangements for the running of the programme.

A monitoring and evaluation plan will be developed to specify how actions are to be carried out in practice, and under what data strategy. The programme will be monitored both continuous (e.g. to respond in a timely manner to unforeseen events and exceptional needs) and on a regular basis (to report on key events such as calls for proposals, project reviews, coordination or dissemination events) and, where relevant, the monitoring will feed into the key programme indicators. The monitoring reports will subsequently feed into:

- a mid-term evaluation (no later than four years after the start of programme implementation), combined with the final evaluation of the predecessor programmes; and

- a final evaluation (to be performed no later than four years after the end of the programming period).

These evaluations will be carried out in line with paragraphs 22 and 23 of the Interinstitutional Agreement of 13 April 2016⁵, where the three institutions confirmed that evaluations of existing legislation and policy should provide the basis for impact assessments of options for further action. The evaluations will assess the programme's effects on the ground, using the programme indicators/targets and analysing in detail the degree to which the programme can be deemed relevant, effective and efficient, provides enough EU added value and is coherent with other EU policies. The evaluations will include lessons learnt to address any shortcomings/problems identified and recommendations to take advantage of any potential to further improve the actions or their results and maximise their use/impact.

The Commission will report to the European Parliament, Council and all other relevant EU institutions regularly, through monitoring and evaluation reports and a public scoreboard of the key programme indicators.

A significant part of the programme will be implemented by the Executive Agency for Education, Audiovisual and Culture (EACEA) under the supervision of the Commission services responsible for the programme.

- **Detailed explanation of the specific provisions of the proposal**

The general objective of the proposed Rights and Values programme is 'to protect and promote rights and values as enshrined in the EU Treaties and in the EU Charter of Fundamental Rights, including by supporting civil society organisations, in order to sustain open, democratic and inclusive societies'. This general objective will be achieved through three specific objectives: to promote equality and rights, to promote citizen engagement and participation in the democratic life of the Union, and to fight all forms of violence. The programme will provide for and accelerate the synergies between its different specific objectives to more effectively support the policy areas these objectives cover and increase their potential to reach people. To be effective, the programme should take into account the specific nature of the different policies, their different target groups and their particular needs through tailor-made approaches.

⁵ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016; OJ L 123, 12.5.2016, p. 1–14.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

establishing the Rights and Values programme

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2), Article 19(2), Article 21(2), Article 24, Article 167, and Article 168 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee,⁶

Having regard to the opinion of the Committee of the Regions,⁷

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) In accordance with Article 2 of the Treaty of the European Union, ‘the Union is founded on the values of respect for human dignity, freedom democracy, equality, the rule of law and the respect for human rights, including the rights of the persons belonging to minorities. These values are common to the Member States in a society where pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail’. Article 3 further specifies that the ‘Union’s aim is to promote peace, its values and the well-being of its people’ and, among others, ‘it shall respect its rich cultural and linguistic diversity, and shall ensure that Europe’s cultural heritage is safeguarded and enhanced’. Those values are further reaffirmed and articulated in the rights, freedoms and principles enshrined in the Charter of Fundamental Rights of the European Union.
- (2) Those rights and values must continue to be promoted and enforced and shared among the citizens and peoples and be at the heart of the EU project. Therefore, a new Justice, Rights and Values Fund, comprising the Rights and Values and the Justice programmes shall be created in the EU budget. At a time where European societies are confronted with extremism, radicalism and divisions, it is more important than ever to promote, strengthen and defend justice, rights and EU values: human rights, respect for human dignity, freedom, democracy, equality, the rule of law. This will have profound and direct implications for political, social, cultural and economic life in the EU. As part of the new Fund, the Justice Programme will continue to support the further development of Union area of justice and cross-border cooperation. The Rights and Values Programme will bring together the 2014-2020 Programme Rights, Equality and Citizenship established by Regulation (EU) No 1381/2013 of the European Parliament and of the Council⁸

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62)

and the Europe for Citizens programme established by Council Regulation (EU) No 390/2014⁹, (hereafter 'the predecessor Programmes').

- (3) The Justice, Rights and Values Fund and its two underlying funding programmes will focus primarily on people and entities, which contribute to make our common values, rights and rich diversity alive and vibrant. The ultimate objective is to nurture and sustain rights-based, equal, inclusive and democratic society. That includes a vibrant civil society, encouraging people's democratic, civic and social participation and fostering the rich diversity of European society, based on our common history and memory. Article 11 of the Treaty of the European Union further specifies that the institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.
- (4) The Rights and Values programme (the 'Programme') should allow developing synergies to tackle the challenges that are common to the promotion and protection of values and to reach a critical dimension to have concrete results in the field. That should be achieved by building on the positive experience of the predecessor Programmes. This will enable to fully exploit the potential of synergies, to more effectively support the policy areas covered and to increase their potential to reach people. To be effective, the Programme should take into account the specific nature of the different policies, their different target groups and their particular needs through tailor-made approaches.
- (5) In order to bring the European Union closer to its citizens, a variety of actions and coordinated efforts are necessary. Bringing together citizens in town-twinning projects or networks of towns and supporting civil society organisations in the areas covered by the programme will contribute to increase citizens' engagement in society and ultimately their involvement in the democratic life of the Union. At the same time supporting activities promoting mutual understanding, diversity, dialogue and respect for others fosters a sense of belonging and a European identity, based on a shared understanding of European values, culture, history and heritage. The promotion of a greater sense of belonging to the Union and of Union values is particularly important amongst citizens of the EU outermost regions due to their remoteness and distance from continental Europe.
- (6) Remembrance activities and critical reflection on Europe's historical memory are necessary to make citizens aware of the common history, as the foundation for a common future, moral purpose and shared values. The relevance of historical, cultural and intercultural aspects should also be taken into account, as well as the links between remembrance and the creation of a European identity and sense of belonging together.
- (7) Citizens should also be more aware of their rights deriving from citizenship of the Union, and should feel at ease about living, travelling, studying, working and volunteering in another Member State, and should feel able to enjoy and exercise all their citizenship rights, place their trust in equal access, full enforceability and protection of their rights without any discrimination, no matter where in the Union they happen to be. Civil society needs to be supported for the promotion, safeguarding and raising awareness of EU common values under Article 2 TEU and in contributing to the effective enjoyment of rights under Union law.

⁹ Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the 'Europe for Citizens' programme for the period 2014-2020 (OJ L 115, 17.4.2014, p.3)

- (8) Equality between women and men is a fundamental value and an objective of the European Union. Discrimination against and unequal treatment of women violates their fundamental rights and prevents their full political, social and economic participation in society. In addition, the existence of structural and cultural barriers hinders the achievement of real gender equality. Promoting gender equality in all activities of the Union is therefore a core activity for the Union and a driver for economic growth and should be supported by the programme.
- (9) Gender-based violence and violence against children and young people constitute a serious violation of fundamental rights. Violence persists throughout the Union, in all social and economic contexts, and has serious repercussions on victims' physical and psychological health and on society as a whole. Children, young people and women are particularly vulnerable to violence, in particular in close relationships. Action should be taken to promote the rights of the child and to contribute to the protection of children from harm and violence, which pose a danger to their physical and mental health and constitute a breach of their rights to development, protection and dignity. Combating all forms of violence, promoting prevention and protecting and supporting victims are priorities of the Union which help fulfil individuals' fundamental rights and contribute to equality between women and men. Those priorities should be supported by the Programme.
- (10) Strong political will and coordinated action based on the methods and results of the previous Daphne Programmes, the Rights, Equality and Citizenship Programme and the Justice Programme are necessary in order to prevent and combat all forms of violence and to protect victims. In particular, since its launch in 1997, the Daphne funding to support victims of violence and combat the violence against women, children and young people has been a genuine success, both in terms of its popularity with stakeholders (public authorities, academic institutions and non-governmental organisations) and in terms of the effectiveness of the funded projects. It has funded projects to raise awareness, to provide support services to victims, to support the activities of non-governmental organisations (NGOs) working on the ground. It has addressed all forms of violence, such as for instance domestic violence, sexual violence, trafficking in human beings, as well as new emerging forms of violence such as cyber-bullying. It is therefore important to continue all these actions and that those results and lessons learned are taken into due consideration in the implementation of the Programme.
- (11) Non-discrimination is a fundamental principle of the Union. Article 19 of the Treaty on the Functioning of the European Union provides for action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation. Non-discrimination is also enshrined in Article 21 of the Charter. The specific features of the diverse forms of discrimination should be taken into account and appropriate action should be developed in parallel to prevent and combat discrimination on one or more grounds. The Programme should support actions to prevent and combat discrimination, racism, xenophobia, anti-semitism, anti-muslim hatred and other forms of intolerance. In that context, particular attention should also be devoted to preventing and combating all forms of violence, hatred, segregation and stigmatisation, as well as combating bullying, harassment and intolerant treatment. The Programme should be implemented in a mutually reinforcing manner with other Union activities that have the same objectives, in particular with those referred to in the Commission Communication of 5 April 2011 entitled 'An EU Framework for

National Roma Integration Strategies up to 2020¹⁰, and in the Council Recommendation of 09 December 2013 on effective Roma integration measures in the Member States¹¹.

- (12) Attitudinal and environmental barriers as well as lack of accessibility hinder the full and effective participation of people with disabilities in society, on an equal basis with others. People with disabilities are faced with barriers to, among other things, access the labour market, benefit from an inclusive and quality education, avoid poverty and social exclusion, enjoy access to cultural initiatives and media, or use their political rights. As a party to the United Nations Convention on the Rights of Persons with Disabilities (the UNCRPD), the Union and all its Member States have committed to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. The provisions of the UNCRPD have become an integral part of the Union legal order.
- (13) The right to respect for his or her private and family life, home and communications (right to privacy) is a fundamental right enshrined in Article 7 of the Charter of Fundamental Rights. The protection of personal data is a fundamental right enshrined in Article 8 of the Charter of Fundamental Rights and Article 16 of the Treaty on the Functioning of the European Union. Compliance with the rules for the protection of personal data is subject to the control by independent supervisory authorities. The Unions' legal framework, in particular Regulation (EU) 2016/679 of the European Parliament and of the Council¹² and Directive (EU) 2016/680 of the European Parliament and of the Council¹³ lay down provisions to ensure that the right to protection of personal data is effectively protected. These legal instruments entrust the national data protection supervisory authorities with the task of promoting public awareness and understanding of the risks, rules, safeguards and rights in relation to the processing of personal data. The Union should be able to conduct awareness-raising activities, carry out studies and other relevant activities given the importance of the right to the protection of personal data in times of rapid technological developments.
- (14) Article 24 TFEU obliges the European Parliament and the Council to adopt provisions for the procedures and conditions required for a citizen's initiative within the meaning of Article 11 of the Treaty on European Union. This has been done by adopting Regulation [(EU) No 211/2011 of the European Parliament and of the Council¹⁴]. The Programme should support the financing of technical and organisational support to implement Regulation [(EU) No 211/2011], thereby underpinning the exercise by citizens of the right to launch and support European citizens' initiatives.
- (15) Pursuant to Articles 8 and 10 TFEU, the Programme in all its activities should support gender mainstreaming and the mainstreaming of non-discrimination objectives.
- (16) Article 3(3) TEU requires the Union to promote the protection of the rights of the child, in line with Article 24 of the Charter and the United Nations Convention on the Rights of the Child.
- (17) In accordance with Union acts on equal treatment, Member States set up independent bodies for the promotion of equal treatment, commonly known as "equality bodies", in

¹⁰ COM(2011)173.

¹¹ OJ C 378, 24.12.2013, p. 1.

¹² OJ L 119, 4.5.2016, p. 1-88.

¹³ OJ L 119, 4.5.2016, p. 89-131.

¹⁴ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative (OJ L 65, 11.3.2011, p. 1).

order to combat discrimination based on race and ethnic origin as well as gender. However, many Member States have gone beyond these requirements and ensured that equality bodies can also deal with discrimination based on the other grounds such as age, sexual orientation, religion and belief, disability or other grounds. Equality bodies play a key role in promoting equality and ensuring effective application of equal treatment legislation by providing in particular an independent assistance to victims of discrimination, conducting independent surveys concerning discrimination, publishing independent reports and making recommendations on any issue relating to discrimination in their country. It is essential that the work of equality bodies is coordinated at Union level in this respect. EQUINET was created in 2007. Its members are the national bodies for the promotion of equal treatment as established by Council Directives 2000/43/EC¹⁵ and 2004/113/EC¹⁶, and by Directives 2006/54/EC¹⁷ and 2010/41/EU¹⁸ of the European Parliament and of the Council. EQUINET is in an exceptional situation, being the only entity which ensures coordination of activities between equality bodies. This coordination activity by EQUINET is key for the good implementation of Union anti-discrimination law in Member States and should be supported by the Programme.

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

¹⁵ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

¹⁶ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services (OJ L 373, 21.12.2004, p. 37).

¹⁷ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23).

¹⁸ Directive 2010/41/EU of the European Parliament and of the Council of 7 July 2010 on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (OJ L 180, 15.7.2010, p. 1).

potential candidate countries benefiting from a pre-accession strategy should also be able to participate in the Programme.

- (21) In order to ensure efficient allocation of funds from the general budget of the Union, it is necessary to ensure the European added value of all actions carried out, their complementarity to Member States' actions, while consistency, complementarity and synergies shall be sought with funding programmes supporting policy areas with close links to each other, in particular within the Justice, Rights and Values Fund — and thus with the Justice Programme — as well as with Creative Europe programme, and Erasmus+ to realise the potential of cultural crossovers in the fields of culture, media, arts, education and creativity. It is necessary to create synergies with other European funding programmes, in particular in the fields of employment, internal market, enterprise, youth, health, citizenship, justice, migration, security, research, innovation, technology, industry, cohesion, tourism, external relations, trade and development.
- (22) This Regulation lays down a financial envelope for the Rights and Values programme which is to constitute the prime reference amount, within the meaning of [*reference to be updated as appropriate according to the new inter-institutional agreement*: point 17 of the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management¹⁹], for the European Parliament and the Council during the annual budgetary procedure.
- (23) Regulation (EU, Euratom) No [the new FR] (the 'Financial Regulation') applies to this Programme. It lays down rules on the implementation of the Union budget, including the rules on grants, prizes, procurement, indirect implementation, *financial assistance*, financial instruments and budgetary guarantees.
- (24) The types of financing and the methods of implementation under this Regulation should be chosen on the basis of their ability to achieve the specific objectives of the actions and to deliver results, taking into account, in particular, the costs of controls, the administrative burden, and the expected risk of non-compliance. This should include consideration of the use of lump sums, flat rates and unit costs, as well as financing not linked to costs as referred to in Article 125(1) of the Financial Regulation. In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council²⁰ Council Regulation (Euratom, EC) No 2988/95²¹ Council Regulation (Euratom, EC) No 2185/96²² and Council Regulation (EU) 2017/1939²³ the financial interests of the Union are to be protected through proportionate measures, including the prevention, detection, correction and investigation of irregularities and fraud, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, the imposition of administrative sanctions. In particular, in accordance with Regulation (EU, Euratom)

¹⁹ [*Reference to be updated*: OJ C 373, 20.12.2013, p. 1. The agreement is available at: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2013.373.01.0001.01.ENG&toc=OJ:C:2013:373:TOC].

²⁰ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999, (OJ L248, 18.9.2013, p. 1).

²¹ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.95, p.1).

²² Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L292.15.11.96., p.2).

²³ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L283, 31.10.2017., p.1).

No 883/2013 and Regulation (Euratom, EC) No 2185/96 the European Anti-Fraud Office (OLAF) may carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. In accordance with Regulation (EU) 2017/1939, the European Public Prosecutor's Office (EPPO) may investigate and prosecute fraud and other criminal offences affecting the financial interests of the Union as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council²⁴. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the Union's financial interests, to grant the necessary rights and access to the Commission, OLAF, the EPPO and the European Court of Auditors (ECA) and to ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (25) Third countries which are members of the European Economic Area (EEA) may participate in Union programmes in the framework of the cooperation established under the EEA agreement, which provides for the implementation of the programmes by a decision under that agreement. Third countries may also participate on the basis of other legal instruments. A specific provision should be introduced in this Regulation to grant the necessary rights for and access to the authorizing officer responsible, the European Anti-Fraud Office (OLAF) as well as the European Court of Auditors to comprehensively exert their respective competences.
- (26) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 of the Treaty on the Functioning of the European Union apply to this Regulation. These rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, procurement, prizes, indirect implementation, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also concern the protection of the Union's budget in case of generalised deficiencies as regards the rule of law in the Member States, as the respect for the rule of law is an essential precondition for sound financial management and effective EU funding.
- (27) Pursuant to [*reference to be updated as appropriate according to a new decision on OCTs*: Article 94 of Council Decision 2013/755/EU²⁵], persons and entities established in overseas countries and territories (OCTs) are eligible for funding subject to the rules and objectives of the Programme and possible arrangements applicable to the Member State to which the relevant overseas country or territory is linked.
- (28) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement and the United Nations Sustainable Development Goals, this Programme will contribute to mainstream climate action and to the achievement of an overall target of 25 % of the EU budget expenditures supporting climate objectives. Relevant actions will be identified during the Programme's preparation and implementation, and reassessed in the context of its mid-term evaluation.
- (29) Pursuant to paragraph 22 and 23 of the Inter-institutional agreement for Better Law-Making of 13 April 2016, there is a need to evaluate this Programme on the basis of

²⁴ 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).

²⁵ 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).

information collected through specific monitoring requirements, while avoiding overregulation and administrative burdens, in particular on Member States. These requirements, where appropriate, can include measurable indicators, as a basis for evaluating the effects of the Programme on the ground.

- (30) In order to ensure uniform conditions for the implementation of this Regulation, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of indicators as indicated in Article 14 and 16 and Annex II. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (31) 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 Council²⁶.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

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

It lays down the objectives of the Programme, the budget for the period 2021 – 2027, the forms of Union funding and the rules for providing such funding.

Article 2

Programme objectives

1. The general objective of the Programme is to protect and promote rights and values as enshrined in the EU Treaties, including by supporting civil society organisations, in order to sustain open, democratic and inclusive societies.
2. Within the general objective set out in paragraph 1, the programme has the following specific objectives which correspond to strands:
 - (a) to promote equality and rights (Equality and rights strand),
 - (b) to promote citizens engagement and participation in the democratic life of the Union (Citizens' engagement and participation strand),
 - (c) to fight violence (Daphne strand).

²⁶ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

Article 3
Equality and rights strand

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

- (a) preventing and combating inequalities and discrimination on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and supporting comprehensive policies to promote gender equality and anti-discrimination and their mainstreaming as well policies to combat racism and all forms of intolerance;
- (b) protecting and promoting the rights of the child, the rights of people with disabilities, Union citizenship rights and the right to the protection of personal data.

Article 4
Citizens engagement and participation strand

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

- (a) increasing citizens' understanding of the Union, its history, cultural heritage and diversity;
- (b) promoting exchange and cooperation between citizens of different countries; to promote citizens' civic and democratic participation allowing citizens and representative associations to make known and publicly exchange their views in all areas of Union action;

Article 5
Daphne strand

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

- (a) preventing and combating all forms of violence against children, young people and women, as well as violence against other groups at risk;
- (b) supporting and protecting victims of such violence.

Article 6
Budget

1. The financial envelope for the implementation of the Programme for the period 2021 – 2027 shall be EUR [641 705 000] in current prices.
2. Within the amount referred to in paragraph 1 the following indicative amount shall be allocated to the following objective:
 - (a) EUR [408.705.000] for the specific objectives referred to in article 2(2)(a) and 2(2)(c);
 - (b) EUR [233.000.000] for the specific objective referred to in Article 2(2)(b);
3. The amount referred to in paragraph 1 may be 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, studies, meetings of experts, communications on priorities and areas related to the general objectives of the programme.

4. Without prejudice to the Financial Regulation, expenditure for actions resulting from projects included in the first work programme may be eligible as from 1 January 2021.
5. Resources allocated to Member States under shared management may, at their request, be transferred to the Programme. The Commission shall implement those resources directly in accordance with Article 62(1)(a) of the Financial Regulation or indirectly in accordance with Article 62(1)(c). Where possible those resources shall be used for the benefit of the Member State concerned.

Article 7

Third countries associated to the Programme

1. The Programme shall be open to the following countries provided that the conditions are met:
 - (a) European Free Trade Association (EFTA) members which are members of the European Economic Area (EEA), in accordance with the conditions laid down in the EEA agreement;
 - (b) acceding countries, candidate and potential candidate, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and Association Council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries;
 - (c) countries covered by the European Neighbourhood Policy, in accordance with the general principles and general terms and conditions for the participation of those countries in Union programmes established in the respective framework agreements and association council decisions, or similar agreements, and in accordance with the specific conditions laid down in agreements between the Union and those countries.
 - (d) Other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country to any Union programme, provided that the agreement:
 - ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
 - lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes and their administrative costs. These contributions shall constitute assigned revenues in accordance with Article [21(5)] of [the new Financial Regulation];
 - does not confer to the third country a decisional power on the programme;
 - guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

Article 8
Implementation and forms of EU funding

1. The Programme shall be implemented in direct management in accordance with the Financial Regulation or in indirect management with bodies referred to in Article 61(1)(c) of the Financial Regulation.
2. The Programme may provide funding in any of the forms laid down in the Financial Regulation.
3. [Contributions to a mutual insurance mechanism may cover the risk associated with the recovery of funds due by recipients and shall be considered a sufficient guarantee under the Financial Regulation. The provisions laid down in [Article X of] Regulation XXX [successor of the Regulation on the Guarantee Fund] shall apply].

Article 9
Type of actions

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

CHAPTER II
GRANTS

Article 10
Grants

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

Article 11
Cumulative [, complementary] and combined funding

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

The actions referred to in the first subparagraph shall comply with the following cumulative conditions:

- (a) they have been assessed in a call for proposals under the Programme;
- (b) they comply with the minimum quality requirements of that call for proposals;

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

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

Article 12
Eligible entities

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

CHAPTER III
PROGRAMMING, MONITORING, EVALUATION AND CONTROL

Article 13
Work programme

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

Article 14
Monitoring and reporting

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

Article 15

Evaluation

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. The interim evaluation of the Programme shall be performed once there is sufficient information available about the implementation of the Programme, but no later than four years after the start of the programme implementation. The mid-term evaluation shall take into account the results of the evaluations of the long-term impact of the predecessor programmes (Rights Equality and Citizenship and Europe for Citizens).
3. At the end of the implementation of the Programme, but no later than four years after the end of the period specified in Article 1, a final evaluation of the Programme shall be carried out by the Commission.
4. The Commission shall communicate the conclusions of the evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

Article 16

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission until 31 December 2027.
3. The delegation of power referred to in Article 14 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal* of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 14 shall enter into force if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 17

Protection of the financial interests of the Union

Where a third country participates in the programme by a decision under an international agreement or by virtue of any other legal instrument, the third country shall grant the necessary rights and access required for the authorizing officer responsible, the European

Anti-Fraud Office (OLAF), the European Court of Auditors to comprehensively exert their respective competences. In the case of OLAF, such rights shall include the right to carry out investigations, including on-the-spot checks and inspections, provided for in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by the European Anti-Fraud Office (OLAF).

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

Article 18

Information, communication and publicity

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

Article 19

Committee procedure

1. The Commission shall be assisted by a committee. This committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. The committee may meet in specific configurations to deal with the individual strands of the Programme.

Article 20

Repeal

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

Article 21

Transitional provisions

1. This Regulation shall not affect the continuation or modification of the actions concerned, until their closure, under Regulations (EU) No 1381/2013 and (EU) No 390/2014, which shall continue to apply to the actions concerned until their closure.
2. The financial envelope for the Programme may also cover technical and administrative assistance expenses necessary to ensure the transition between the Programme and the measures adopted under its predecessor programmes established by Regulations (EU) No 1381/2013 and (EU) No 390/2014.
3. If necessary, appropriations may be entered in the budget beyond 2027 to cover the expenses provided for in Article 6(3), to enable the management of actions not completed by 31 December 2027.

Article 22
Entry into force

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

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

- 1.1. Title of the proposal/initiative
- 1.2. Policy area(s) concerned (*programme cluster*)
- 1.3. Nature of the proposal/initiative
- 1.5. Grounds for the proposal/initiative
- 1.6. Duration and financial impact
- 1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

- 2.1. Monitoring and reporting rules
- 2.2. Management and control system
- 2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

- 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected
- 3.2. Estimated impact on expenditure
 - 3.2.1. *Summary of estimated impact on expenditure*
 - 3.2.3. *Estimated impact on appropriations of an administrative nature*
 - 3.2.5. *Third-party contributions*
- 3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Rights and Values programme

1.2. Policy area(s) concerned in the ABM/ABB structure²⁷

II.Cohesion and Values7. Investing in People, Social Cohesion & Values Justice, Rights and Values
--

1.3. Nature of the proposal/initiative

☐ a new action

☐ a new action following a pilot project/preparatory action²⁸

☐ the extension of an existing action

☒ a merger or redirection of one or more actions towards another/a new action

1.4. Grounds for the proposal/initiative

1.4.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

Whereas legislation is a key tool to implement the Union's objectives in the area of rights and values, it needs to be complemented by other means. In this context, funding has an important role to play. In particular, funding should enhance the awareness of values, effectiveness of legislation and rights enshrined directly in the Treaty by increasing knowledge, awareness and capacity of citizens, professionals and stakeholders, through supporting:

- Information and public awareness raising, including through support for national and European campaigns to inform people of their rights, as guaranteed under EU law, and how to enforce them in practice, and thorough remembrance activities;

- Training and capacity building for legal professionals (such as judges and prosecutors) and other practitioners, to equip them with the tools to effectively put EU rights and policies into practice.
--

Funding also has a central role in promoting cooperation at transnational level and developing mutual trust, through:
--

- Strengthening networks and civil society, i.e. EU-wide organisations to assist with the preparation of future initiatives in this area, as well as to promote their consistent implementation across Europe;
--

- Cross-border cooperation on enforcement, for example establishing missing child alert systems, coordination of operational and cross-border anti-drug co-operation.

Additionally, funding should support: research, analysis and other support activities, to provide to the legislator clear and detailed information on the problems and the

²⁷

ABM: activity-based management; ABB: activity-based budgeting.

²⁸

As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

situation on the ground. The results of these activities feed into the development and the implementation of EU policies and ensure that they are evidence-based, well targeted and well structured.

All these activities will be implemented over the whole period 2021-2027. It is difficult to set a precise roll-out at this stage, considering the speed of new political challenges we have to face and react to.

- 1.4.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

Reasons for action at European level (ex-ante)

Funding covered by the Rights and Values Programme concentrates on activities where the EU intervention can bring additional value compared to action of Member States alone. Activities covered by this Regulation contribute to the effective application of the acquis by developing mutual trust between Member States, increasing cross-border cooperation and networking and achieving correct, coherent and consistent application of Union law across the Union. Only action at Union level can provide coordinated activities that can reach all Member States. The European Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning. Without Union support, stakeholders would tend to address similar problems in a fragmented and disconnected way.

The promotion and protection of values requires transnational cooperation mechanisms and networking opportunities which can typically not be achieved by Member States acting alone.

In many areas, such as equality and non-discrimination or citizenship, individuals are protected by Union law and legislation, but are not sufficiently aware about their rights. Only awareness-raising actions, the sharing of best practices and training at EU level can ensure that persons in all Member States are reached, that administrative structures/authorities are informed and that a consistent message is passed on, whilst producing economies of scale, ensuring the quality of the actions and that Member States have a consistent interpretation and coherent application of legislative instruments throughout the EU.

Funding at national or regional level for activities to foster citizens' participation as EU citizens is very limited, while funding for remembrance activities is even less available in many EU countries. Even where beneficiaries receive funding for similar activities, alternative funding sources do not prioritise the promotion of citizenship and remembrance at an EU level. Stakeholders' limited or inexistent ability to conduct similar projects without the support of EU funding highlights the level of reliance of beneficiaries on those.

Expected generated Union added value (ex-post)

Collaboration and networking between stakeholders will lead to the dissemination of best practices, in particular innovative and integrated approaches in different Member States. The participants in these activities will then act as multipliers in their

respective professional activities and disseminate wider the best practices within their Member State.

A sound analytical basis for the support and the development of policies will be supported. European Union intervention allows for these activities to be pursued consistently across the Union and brings economies of scale.]

1.4.3. *Lessons learned from similar experiences in the past*

The mid-term evaluations carried out for the current programme in the area of rights, equality and citizenship has confirmed the overall effectiveness of the programmes, but some aspects have been identified for improvement, in particular the need to focus more on emerging needs, the revision of the monitoring indicators, the achievement of a more geographic balance among the beneficiaries, the increase of the programme's visibility and the strengthening of synergies with other relevant EU funding programmes and initiatives.

The mid-term evaluation report of the 2014-2020 Europe for Citizens programme confirmed that the general objectives are relevant to the current needs in the EU to encourage civic participation and awareness of the EU values, history and diversity. Europe for Citizens has demonstrated its added value both in terms of its impact on participants and its complementary role to other EU funding programmes and policy initiatives in the fields of education, culture and EU citizenship. Action and operating grants have been implemented in an efficient way. Aspects which have been identified for improvement mostly relate to increasing the programme's visibility, amending the monitoring indicators and strengthening the synergies with other relevant EU funding programmes and initiatives.

1.4.4. *Compatibility and possible synergy with other appropriate instruments*

The Programme will seek synergies, consistency and complementarities with other Union instruments, inter alia the Single Market Programme as it provides support to empower consumers and strengthen the work of enforcement authorities in the consumer area; the European Social Fund+ with its strong and direct impact on people – including the most disadvantaged and discriminated against – and its significance for promoting gender equality and equal opportunities, EU values and the respect of fundamental rights. The promotion of values and rights within the EU is mirrored by their promotion at the global level, including through the linkages of the implementation of the Sustainable Development Goals. In this respect, synergies can also be developed with external action at multilateral level. Duplication with activities under these other programmes will be avoided, and resources may be shared between the Rights and Values Programme and the Justice programme to achieve common objectives

1.5. Duration and financial impact

☐ **limited duration**

- x in effect from 01/012021 to 31/122027
- x Financial impact from 2021 to 2027 for commitment appropriations and from 2021 to 2027 and further for payment appropriations.

☐ **unlimited duration**

Implementation with a start-up period from YYYY to YYYY, followed by full-scale operation.

1.6. Management mode(s) planned²⁹

x **Direct management** by the Commission

- x by its departments, including by its staff in the Union delegations;
- x by the executive agencies

☐ **Shared management** with the Member States

☐ **Indirect management** by entrusting budget implementation tasks to:

- ☐ third countries or the bodies they have designated;
- ☐ international organisations and their agencies (to be specified);
- ☐ the EIB and the European Investment Fund;
- ☐ bodies referred to in Articles 70 and 71 of the Financial Regulation;
- ☐ public law bodies;
- ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
- ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
- ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

²⁹

Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The proposal includes monitoring and evaluation obligations. Achievement of the specific objectives will be monitored on the basis of the indicators contained in the proposal; on an annual basis.

Furthermore, an interim evaluation report on the achievement of the Programme's objectives, the efficiency of the use of resources and its European added value will be provided by the Commission by mid-2025 at the latest, combined with the lessons learned from the predecessor programmes. An ex post evaluation on the longer-term impacts and the sustainability of the effects of the Programme will be provided after the end of the Programme.

2.2. Management and control system

2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

For Specific objectives "Rights and Equality" & "Daphne" managed by DG JUST and EMPL

The implementation of actions foreseen in the programme under the strand "equality and rights " and "Daphne" will be done through direct management, contributing to the common policy objectives of the Union. This part of the programme will be managed directly by the Commission using the implementation modes offered by the Financial Regulation, mainly grants and procurement, as this allows to better adapt the programmes to the needs of the policy and to have more flexibility to re-adjust priorities in case of emerging needs. Direct management by the Commission will also allow to establish direct contacts with beneficiaries/contractors directly engaged in activities that serve Union policies.

The interim evaluation of the Rights, Equality and Citizenship Programme 2014-2020 concluded that there is no clear scope for further simplifications concerning the management mode of the Programme. The current direct management mode is adequate given the size of the Programme.

The strand of the programme focussing on persons with disabilities will be implemented through direct management, using the implementation modes offered by the Financial Regulation, mainly being grants and procurement. Direct management allows to establish direct contacts with beneficiaries/contractors directly engaged in activities that serve Union policies. The Commission ensures direct monitoring over the outcome of the actions financed. The payment modalities of the actions funded will be adapted to the risks pertaining to the financial transactions. In order to ensure the effectiveness, efficiency and economy of the Commission controls, the strategy will be oriented towards a balance of ex-ante and ex-post checks.

Ex-post audits will be carried out on-the-spot by external auditors for a sample of transactions. The selection of these transactions will combine a risk assessment and a random selection.

Ex-Post controls also rely on cross-reliance for audits and sharing available information to further reduce administrative burden and increase cost-effectiveness (Art 127 & 128 new FR)

For specific objective "Citizens engagement and participation" managed by DG HOME

The implementation of the actions foreseen under the strand "Citizens' engagement and participation" could be entrusted to an Executive Agency³⁰. Indeed, most of the actions under the current Europe for Citizens programme are managed by the Education, Audiovisual and Culture Executive Agency (EACEA).

The 3rd evaluation of the EACEA covering the period January 2012 – December 2014 showed that the mandate of the EACEA was relevant to the needs of the Commission and the Agency's applicants / beneficiaries.

It should be also underlined that the simplification measures put in place for the actions under the current Europe for Citizens programme significantly reduced error rates and allow fast contracting/paying.

The programme will be implemented through calls for proposals and grants as under the current "Europe for Citizens" programme.

As regards payment modalities, one prefinancing instalment and payment of the balance after final report are foreseen. Use of lump sums / flat rates will reduce the risks of errors.

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

For Specific objectives "Rights and Equality" & "Daphne" managed by DG JUST and EMPL The main risks linked to DG JUST financing activities are twofold:

- the risk of not financing the best project to address the issue identified
- the risks of irregularity and illegality of the costs claimed and reimbursed.

As regards the legality and regularity risk, based on the main causes and types of most commonly detected errors in ex-post audits, it appears that the main areas of irregularities stem from poor financial management by the beneficiaries, mainly due to a poor understanding of the rules due to their complexity in particular for the eligibility of the costs..

Consequently the risks are mainly due to

- ensuring quality of selected projects and their subsequent technical implementation;
- Risk of inefficient or non-economic use of funds awarded, both for grants (complexity of reimbursing actual eligible costs) and for procurement (sometimes limited number of economic providers with the required specialist knowledge entailing insufficient possibilities to compare price offers);
- Fraud

Most of these risks are expected to be reduced thanks to:

³⁰ The decision to delegate implementation tasks to an Executive Agency will be taken according to COUNCIL REGULATION (EC) No 58/2003, based on a cost benefit analysis.

- a better design of calls for proposals,
- a better guidance to beneficiaries and targeting of proposals
- the increased use of simplified costs as provided in the new Financial Regulation
- the use of the corporate systems for the management of proposals and grants

Description of internal control system

The control system envisaged for the future programme is a continuation of the current control system.

The control strategy will be based on the new Financial Regulation and on the Common Provision Regulation. The new Financial Regulation and the draft proposal for the Justice programme should extend the use of the simplified forms of grants such as lump-sums, flat rates and unit costs.

The control strategy is composed of different building blocks:

- programming, evaluation and selection of proposals in order to ensure that only the best proposals are funded;
- Conclusion and monitoring of the grant agreements: All transactions and procedures are subject to an ex ante verification by the Programme and financial management Unit of DG JUST, as well as the relevant policy units. The financial verification is done by the Programme and financial management Unit. For grants, cost claims are verified thoroughly, and supporting documents are requested when deemed necessary, based on a risk assessment.
- ex post audits assured via a Service Level Agreement with DG HOME: The ex-post control sector applies a "detection strategy" aimed at detecting a maximum of anomalies in view of recovering undue payments. Based on this strategy, the audits are carried out on a sample of projects selected almost entirely on the basis of a risk analysis.

The cost of controls amounts to approximately 4,49% of the payments done by DG JUST. This is expected to stay stable or slightly decrease in the case where the use of simplified cost options (SCO) will be broadened in the next programming period.

The implementation focuses on the attribution of public procurement contracts while a number of grants for specific activities and organisations are foreseen.

The public procurement contracts will mainly be concluded in areas such as studies, data collection, evaluation contracts, training, information campaigns, IT and communication services, facilities management etc. The contractors are mainly consultancy firms and other private companies of which many SMEs.

Grants will mainly be awarded for support activities to non-governmental organisations, national authorities etc. The period of execution of the subsidised projects and activities varies from one to three years mostly.

The main risks are the following:

- Risk of inefficient or non-economic use of funds awarded both for grants (complexity of funding rules, especially for small operators) and for procurement (limited number of economic providers with the required specialist knowledge entailing insufficient possibilities to compare price offers in some sectors);

- Reputational risk for the Commission, if fraud or criminal activities are discovered; only partial assurance can be drawn from the third parties' internal control systems due to the rather large number of heterogeneous contractors and beneficiaries, each operating their own control system, often rather small in size.

The Commission put in place internal procedures that aim at covering the risks identified above. The internal procedures are in full compliance with the Financial Regulation and include anti-fraud measures and cost-benefit considerations. Within this framework, the Commission continues to explore possibilities to enhance the management and to realise efficiency gains. Main features of the control framework are the following:

Controls before and during the implementation of the projects:

- Model grant agreements and service contracts are being used, developed within the Commission. They provide for a number of control provisions such as audit certificates, financial guarantees, on-site audits as well as inspections by OLAF. The rules governing the eligibility of costs are being simplified, for example, by using unit costs, lump sums, contributions not linked to costs and other possibilities offered by the Financial Regulation. This will reduce the cost of controls and put the focus on checks and controls in high-risk areas.
- All staff sign up to the code of good administrative behaviour. Staff who are involved in the selection procedure or in the management of the grant agreements/contracts (also) sign a declaration of absence of a conflict of interest. Staff is regularly trained and uses networks to exchange best practices.
- Technical implementation of a project is checked at regular intervals at the desk on the basis of technical progress reports of the contractors and beneficiaries; in addition, contractors'/beneficiaries' meetings and on-site-visits are foreseen on a case-by-case basis.

Controls at the end of the project:

Ex-post audits are performed to verify on-the-spot the eligibility of cost claims. The aim of these controls is to prevent, detect and correct material errors related to the legality and regularity of financial transactions. With a view to achieving a high control impact, the selection of beneficiaries to be audited foresees to combine a risk-based selection with a random sampling, and to pay attention to operational aspects whenever possible during the on-site audit.

For specific objective "Citizens engagement and participation" managed by DG HOME

A: Key risks and key causes of errors

The current Europe for Citizens programme is managed by the Education, Audiovisual and Culture Executive Agency (EACEA). Thanks to the simplification measures put in place (in particular lump sums), the current "Europe for Citizens" is implemented with an estimated error rate well below the materiality threshold of 2 %. These simplification measures shall continue to be implemented under the future programme.

B: Information on the internal control system set up within the Commission – Supervision of the EACEA by the Commission

The Commission will apply the control measures required for executive agencies in accordance with Article 62 of the Financial Regulation [in accordance with Council Regulation (EC) N° 58/2003 Regulation on executive agencies].

In addition, the Commission will monitor and control that the executive agency realises appropriate control objectives for the actions that it will be entrusted to manage. This supervision will be integrated in the terms of cooperation between the parent DG and the executive agency and in the biannual reporting of the agency.

C: Information on the internal control system set up within the EACEA

The control system is implemented by the EACEA

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

For Specific objectives "Rights and Equality" & "Daphne" managed by DG JUST and EMPL. The cost of controls amounts to approximately 4,49% of the payments done by DG JUST. This is expected to stay stable or slightly decrease in the case where the use of simplified cost options (SCO) will be broadened in the next programming period. It would not be cost effective to increase the cost of control for a marginal improvement of the error rate.

In DG EMPL, the cost of the suggested level of controls represents approximately 4% of the yearly budget of the operational expenditure. This is justified by the high amount of transactions to be controlled. Indeed, in the area of persons with disabilities, direct management involves the attribution of numerous contracts and grants for actions, and the payment of numerous operating grants to non-governmental organisations. The risk related to these activities concerns the capacity of (especially) smaller organisations to effectively control expenditure.

On a 5 years basis, the error rate for the on-the-spot audits of grants under direct management was 1.8%. For the whole of DG EMPL programmes and globally taking into account the low risk level for procurement below 1 %. This level of error is considered acceptable, as it is under the materiality level of 2%.

The proposed changes for the programme will not affect the way the appropriations are currently managed. The existing control system proved to be able to prevent and/or to detect errors and/or irregularities, and in case of errors or irregularities, to correct them. Therefore, historical error rates are expected to remain at the same levels.

For specific objective "Citizens engagement and participation" managed by DG HOME

2017 was the second year that error rates were issued for the generation of programme 2014-2020 managed by the EACEA and the results are encouraging (0 % as regards Europe for Citizens programme). Given simplification measures and control measures that are planned to be implemented, it can be concluded that the level of non-compliance for the actions foreseen is expected to be under the 2% threshold.

Estimation of costs of control for actions managed by the EACEA

1. During the selection and the contract management phases

1.1 Staff costs

The estimation is calculated taking into account control activities carried out under the current Europe for Citizens Programme:

- by operational and financial staff having initiation and verification roles
- in all phases of the project life cycle (selection, contracting and payments).

Number of staff carrying out control activities - Standard costs / year:

Contractual agents: $6.6 \times 74,000 \text{ EUR} = 488,400 \text{ EUR}$

Temporary Agents: $1.6 \times 143,000 \text{ EUR} = 228,800 \text{ EUR}$

Total for the Programme duration: 5,020,400 EUR

1.2. Other costs - Standard costs / year

On the spot Missions: $20 \times 825 \text{ EUR} = 16,500 \text{ EUR}$

Audit certificates to be provided by beneficiaries: 86,000 EUR

Total for the Programme duration: 717,500 EUR

2. Ex-post controls

2.1 Staff

Number of staff carrying out control activities - Standard costs / year

Contractual agents: $0.25 \times 74,000 \text{ EUR} = 18,500 \text{ EUR}$

Temporary Agents: $0.05 \times 143,000 \text{ EUR} = 7,150 \text{ EUR}$

Total for the Programme duration: 179,500 EUR

2.2. Ex-post audits

Random, risk-based & ad-hoc audits - Standard costs / year:

$10,500\text{€} \times 10 = 105,000 \text{ EUR}$

Total for the Programme duration: 735,000 EUR. Total costs of controls in EACEA compared to the operational budget potentially to be managed

Given an operational budget of 204 MIO EUR for this strand "Citizens' engagement and participation", the total cost of control for actions managed by EACEA is approximately 3.5% of the budget

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy..

In addition to the application of all regulatory control mechanisms, the programme will be implemented by DGs that also implement the Commission's anti-fraud strategy (CAFS) adopted on 24 June 2011 to ensure inter alia that its internal anti-fraud related controls are aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses.

There after some measures envisages mitigating potential fraud and irregularities, the following measures:

- The prevention of potential fraud and irregularities is considered already at the programme set up, by the simplification of rules and the wider use of flat rates and lump sums.

- Systematic check of potential double funding and identification of beneficiaries of several grants will be done.
- Ad hoc audits will be implemented when there are serious concerns in terms of irregularities and/or suspected fraud.
- The Executive Agency will have to report potential fraud and irregularities to the Commission ad hoc as well as in their regular reporting.
- decisions, agreements and contracts resulting from the implementation of the programme will expressly entitle the Commission, including OLAF, and the Court of Auditors to conduct audits, on-the-spot checks and inspections;
- the procedure to award grants comprises several fraud-detection elements, such as the widespread use of the 4-eyes principle, verifying the correctness and transparency of award procedures, having detailed procedures to avoid conflicts of interests, verifying whether applicants have been 'blacklisted' pursuant to Regulation 1605/2002, use of IT-tools like EDES and ARACHNE and looking out for other 'red flags' (fraud indicators).

Following a study by an external contractor that is to be finalised in mid-2018, the JAFS will be reviewed and DG EMPL's contribution to the CAFS updated.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number Heading 2 Cohesion and Values 07.06 Justice, Rights and Values Rights and Values	Diff./Non-diff. ³¹	from EFTA countries ³²	from candidate countries ³³	from third countries	within the meaning of Article [21(2)(b)] of the Financial Regulation
	[07.01YY] [Rights and Values] 07.01.05.	Non-diff.	YES	YES	NO	NO
	07.06.02.01 07.06.02.02	Diff.	YES	YES	NO	NO

³¹ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

³² EFTA: European Free Trade Association.

³³ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework	<2>	Heading 2 Cohesion and Values 07.06 Justice, Rights and Values Rights and Values Programme
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			2021	2022	2023	2024	2025	2026	2027	Post 2027	TOTAL
Operational appropriations	Commitments	(1)	78.824	80.123	81.204	81.586	81.694	81.560	80.914		565.905
	Payments	(2)	10.578	42.020	56.269	60.625	63.576	63.814	63.490	205.533	565.905
Appropriations of an administrative nature financed from the envelope of the programme ³⁴	Commitments = Payments	(3)	11.800	11.200	10.600	10.500	10.500	10.600	10.600		75.800*
TOTAL appropriations for the envelope of the programme	Commitments	=1+3	90.624	91.323	91.804	92.086	92.194	92.160	91.514		641.705
	Payments	=2+3	22.378	53.220	66.869	71.125	74.076	74.414	74.090	205.533	641.705

The appropriations are intended to finance activities listed in Annex I of this Regulation contributing to the achievement of the specific objectives in Equality and Rights strand, Citizen engagement and participation Strand, and Daphne Strand. The allocation of funds referred to in Article 6(2)(a) can be further split between Equality and Rights Strand (approximately 75%) and Daphne Strand (approximately 25%). The allocation of funds referred to in Article 6(2)(b) will be dedicated to Citizen engagement and participation Strand, including support to NGO directly managed by DG JUST which represents approximately 20%.

³⁴ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

* This amount covers support expenditure for the Rights and Values programme and the contribution to EACEA for the management of the legacy of the Europe for Citizens programme 2014-2020 and the potential delegation of part of the Rights and Values programme (strand citizens' engagement and participation) to an executive agency. The amount furthermore covers the potential delegation of support to NGOs within citizens' engagement and participation strand. The handling of the legacy explains the higher amounts for 2021-2023. The programme might be (partially) delegated to an executive agency, subject to the outcome of the cost-benefit analysis and related decisions to be taken, and that the related administrative appropriations for programme implementation in the Commission and the executive agency will be adapted accordingly

Heading of multiannual financial framework	7	‘Administrative expenditure’
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EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
Human resources		24.79 5	24.795	24.795	24.795	24.795	24.795	24.795		173.565
Other administrative expenditure		1.082	1.082	1.082	1.082	1.082	1.082	1.082		7.574
TOTAL appropriations under HEADING 7 of the multiannual financial framework	(Total commitments = Total payments)	25.877	25.877	25.877	25.877	25.877	25.877	25.877		181.139

EUR million (to three decimal places)

		2021	2022	2023	2024	2025	2026	2027	<i>Post 2027</i>	TOTAL
TOTAL appropriations across HEADINGS of the multiannual financial framework	Commitments	116.50 1	117.20 0	117.68 1	117.96 3	118.07 1	118.03 7	117.39 1		822.844
	Payments	48255	79.097	92.746	97.002	99.953	100.29 1	99.967	205.53 3	822.844

3.2.2. Estimated impact on operational appropriations

- ☐ The proposal/initiative does not require the use of appropriations of an administrative nature
- ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

Years	2021	2022	2023	2024	2025	2026	2027	TOTAL
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HEADING 7 of the multiannual financial framework								
Human resources	24.795	24.795	24.795	24.795	24.795	24.795	24.795	173.565
Other administrative expenditure	1.082	1.082	1.082	1.082	1.082	1.082	1.082	7.574
Subtotal HEADING 7 of the multiannual financial framework	25.877	25.877	25.877	25.877	25.877	25.877	25.877	181.139

Outside HEADING 7³⁵ of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature	11.800	11.200	10.600	10.500	10.500	10.600	10.600	75.800
Subtotal outside HEADING 7 of the multiannual financial framework	11.800	11.200	10.600	10.500	10.500	10.600	10.600	75.800

TOTAL	37.677	37.077	36.477	36.377	36.377	36.477	36.477	256.939
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

³⁵ Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.2.1. Estimated requirements of human resources

- ☐ The proposal/initiative does not require the use of human resources.
- ☒ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

Years		2021	2022	2023	2024	2025	2026	2027
• Establishment plan posts (officials and temporary staff)								
Headquarters and Commission's Representation Offices		156.75	156.75	156.75	156.75	156.75	156.75	156.75
Delegations								
Research								
• External staff (in Full Time Equivalent unit: FTE) - AC, AL, END, INT and JED ³⁶								
Heading 7								
Financed from HEADING 7 of the multiannual financial framework	- at Headquarters	31.5	31.5	31.5	31.5	31.5	31.5	31.5
	- in Delegations							
Financed from the envelope of the programme ³⁷	- at Headquarters							
	- in Delegations							
Research								
Other (specify)								
TOTAL		188,25	188,25	188,25	188,25	188,25	188,25	188,25

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<u>DG JUST: 134 FTE's linked to the programme</u> <u>ALL DG JUST FTE's were assigned to one of 3 current programmes,</u> <u>FTE's for Rights and Values Programme: 50% from JUST.04 Programme and financial management, 50% from others horizontal units and FTE's from the policy units linked to the REC (C2, C3, C4, D1, D2, D3)</u> <u>DG HOME (Citizens' engagement and participation): 6 FTE'S</u> <u>SG: 7,25 FTE's – ECI Initiative</u> <u>DG EMPL (activities linked to 'rights of persons with disabilities'): 9,5 FTE's</u>
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³⁶ AC= Contract Staff; AL = Local Staff; END = Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

³⁷ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

External staff	<u>DG JUST: 29 FTE's linked to the programme</u> <u>DG HOME (Citizens' engagement and participation):: 1 FTE</u> <u>DG EMPL (activities linked to 'rights of persons with disabilities'): 1,5 FTE's</u>
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3.2.3. Third-party contributions

The proposal/initiative:

- ☒ does not provide for co-financing by third parties
- ☐ provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

Years	2021	2022	2023	2024	2025	2026	2027	TOTAL
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

- ☐ The proposal/initiative has no financial impact on revenue.
- ☒ The proposal/initiative has the following financial impact:
 - ☐ on own resources
 - ☐ on other revenue

please indicate, if the revenue is assigned to expenditure lines ☐

EUR million (to three decimal places)

Budget revenue line:	Impact of the proposal/initiative ³⁸						
	2021	2022	2023	2024	2025	2026	2027
Article							

For assigned revenue, specify the budget expenditure line(s) affected.

[...]

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

[...]

³⁸

As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.