Regulation (EU) 2018/1475 of the European Parliament and of the Council of 2 October 2018 laying down the legal framework of the European Solidarity Corps and amending Regulation (EU) No 1288/2013, Regulation (EU) No 1293/2013 and Decision No 1313/2013/EU

REGULATION (EU) 2018/1475 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 2 October 2018

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

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

After consulting the Committee of the Regions,

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

Whereas:

(1) Solidarity among Union citizens and among Member States is one of the universal values on which the Union is built. This common value guides the Union's actions and provides it with the necessary unity for coping with current and future societal challenges, which young Europeans are willing to help address by expressing their solidarity in practice. Solidarity also stimulates young people's interest in the common European project. The principle of solidarity is enshrined in Article 2 of the Treaty on European Union (TEU) and in the preamble of the Charter of Fundamental Rights of the European Union.

(2) During the State of the Union address of 14 September 2016, it was emphasised that there is a need to invest in young people and it was announced that a European Solidarity Corps was to be established with a view to creating opportunities for young people across the Union to make a meaningful contribution to society, show solidarity and develop their skills, competences and knowledge, thus gaining an invaluable human experience, which is also key for the emergence of an active and engaged Union citizenship.

(3) In its Communication of 7 December 2016 entitled ‘A European Solidarity Corps’, the Commission emphasised the need to strengthen the foundations for solidarity

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work across Europe, to provide young people with more and better opportunities for high-quality solidarity activities covering a broad range of areas, and to support national, regional and local actors, in their efforts to cope with different challenges and crises. That Communication launched a first phase of the European Solidarity Corps whereby different Union programmes were mobilised to offer volunteering, traineeship or job opportunities to young people across the Union. These activities, whether implemented before or after the entry into force of this Regulation, should continue to apply the rules and conditions set by the respective Union programmes that have financed them under the first phase of the European Solidarity Corps.

(4) Within the context of this Regulation, solidarity may be understood as a sense of responsibility on the part of everyone with regard to everyone to commit oneself to the common good, which is expressed through concrete actions without consideration of return service.

(5) Young people should be provided with easily accessible opportunities to engage in high-quality solidarity activities with a strong European dimension as a means to contribute to strengthening cohesion, solidarity, social inclusion and democracy in participating countries to the benefit of local communities, while improving their competences for their personal development, thus boosting their self-esteem, autonomy and motivation to learn, stimulating their educational, social, artistic, linguistic, cultural, civic and professional development, as well as facilitating their active citizenship, employability and transition into the labour market. Those solidarity activities would also support the mobility of participants.

(6) This Regulation establishes a programme for Union action called the European Solidarity Corps as a basis for effecting positive societal change by providing support to communities of individuals and entities committed to enhancing solidarity across Europe. It thus provides for a spending instrument of Union action established with a view to applying from the date of entry into force of this Regulation on a continuous basis and also lays down the basis for the European Solidarity Corps as a community and as a source of inspiration for a stronger spirit of solidarity in Europe through the wider impact of activities carried out within the framework of the European Solidarity Corps.

(7) The solidarity activities offered to young people should be of high quality, in the sense that they should contribute to the achievement of the objectives of the European Solidarity Corps and help overcome societal challenges, while addressing the needs of local communities. Solidarity activities should offer young people the opportunity to acquire valuable competences for personal, social, civic and professional development, include a solid learning and training dimension, be accessible to all young people, be implemented in safe and healthy conditions and be properly validated. Solidarity activities should not have a negative impact on existing jobs or traineeships and should contribute to reinforcing the corporate social responsibility commitments of companies, while not replacing them.

(8) Any entity willing to participate in the European Solidarity Corps, whether funded from the European Solidarity Corps budget, by another Union programme or by a different

funding source, should receive a quality label, provided that the specific requirements are fulfilled. The requirement to receive a quality label should not apply to natural persons seeking financial support on behalf of an informal group of participants for their solidarity projects. The quality label attributed to participating organisations should certify the ability of those organisations to ensure the quality of the solidarity activities offered by them. The process for attributing a quality label should be carried out by the implementing bodies of the European Solidarity Corps in an accessible and transparent manner. The attributed quality label should be reassessed periodically and it should be possible to revoke the quality label where, in the context of the reassessment, it is found that the conditions that led to its attribution are no longer fulfilled.

(9) The European Solidarity Corps would provide a single entry point for solidarity activities throughout the Union. Consistency and complementarity of the European Solidarity Corps should be ensured with other relevant Union policies, programmes and instruments. The European Solidarity Corps should build on the strengths and synergies of existing and previous programmes, in particular the Erasmus+ and Youth in Action programmes. It should also complement the efforts made by Member States to support young people and ease their school-to-work transition under schemes such as the Youth Guarantee established in line with the Council Recommendation of 22 April 2013 on establishing a Youth Guarantee[(3)] by providing them with additional opportunities to take part in solidarity activities in the form of traineeships or jobs within their respective Member State or across borders. Complementarity should also be ensured with existing Union-level networks pertinent to the activities under the European Solidarity Corps, such as the European Network of Public Employment Services, EURES and the Eurodesk network. Furthermore, complementarity and loyal cooperation between the existing related schemes and the European Solidarity Corps should be fostered, in particular with solidarity, volunteering, civic service and mobility schemes for young people, operating at national, regional or local level, as well as with priorities related to solidarity and youth in the participating countries, as appropriate, to mutually enhance and enrich the impact and qualities of such schemes and build upon good practices. The European Solidarity Corps should not substitute similar national solidarity, volunteering, civic service and mobility schemes. Equal access for all young people to national solidarity activities should be ensured. Partnerships with European networks which are specialised in certain urgent social problems should be encouraged.

(10) In order to maximise the impact of the European Solidarity Corps, other Union programmes should be able to contribute to the objectives of the European Solidarity Corps by supporting activities within its scope. This contribution should be financed in accordance with the respective legal acts of the programmes concerned with a view to securing greater involvement of young people, civil society and existing volunteering schemes in Member States. Once they have obtained a valid quality label, the participating organisations should be given access to the European Solidarity Corps portal and receive the quality and support measures provided according to the type of solidarity activity offered.

(11) The European Solidarity Corps should open up new opportunities for young people to undertake volunteering, traineeships or jobs as well as to devise and develop,

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on their own initiative, solidarity projects which present a clear European value. Those opportunities should help address unmet societal needs and contribute to strengthening communities and enhancing the personal, educational, social, civic and professional development of young people. The European Solidarity Corps should also support networking activities for participants and participating organisations as well as measures to ensure the quality of the supported activities and to enhance the validation of their learning outcomes. It should also contribute to supporting and strengthening existing organisations that implement solidarity actions.

(12) Volunteering constitutes a rich experience in a formal and non-formal learning context which enhances young people's personal, socio-educational and professional development, employability and active citizenship. Volunteering should not substitute traineeships or jobs and should be based on a written volunteering agreement. The Commission and the Member States will cooperate regarding volunteering policies in the youth field via the open method of coordination.

(13) Traineeships and jobs should be clearly separate from volunteering, both from a financial and organisational point of view. Traineeships should never lead to job substitution. Paid traineeships and jobs, however, can represent an incentive for disadvantaged young people and young people with fewer opportunities to participate in solidarity-related activities that they might not otherwise be able to access. Traineeships can ease the transition of young people from education to employment and can help foster the employability of young people, which is key to achieving their sustainable integration into the labour market. Traineeships and jobs offered under the European Solidarity Corps should always be paid by the participating organisation hosting or employing the participant. Traineeships should be based on a written traineeship agreement in accordance with the applicable regulatory framework of the country where the traineeship takes place, as appropriate, and should follow the principles outlined in the Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships[(4)].

Jobs should be based on an employment contract in accordance with the national regulatory framework or applicable collective agreements, or both, of the participating country where the job is being carried out. Financial support to participating organisations offering jobs should not exceed twelve months. Traineeships and jobs should be accompanied by adequate preparation, on-the-job training and post-placement support in relation to the participation of the participant. Traineeships and jobs could be facilitated by relevant labour market actors, in particular public and private employment services, social partners and Chambers of Commerce, as well as the member organisations of EURES, in accordance with Regulation (EU) 2016/589 of the European Parliament and of the Council[(5)] in the case of cross-border activities.

(14) Young people's spirit of initiative and their active citizenship is an important asset for society. The European Solidarity Corps should contribute to fostering this aspect by offering young people the opportunity to devise and implement their own projects that present a clear added value aimed at addressing key challenges to the benefit of local communities, particularly communities located in rural, isolated or marginalised areas. Those projects should be an opportunity for young people to develop innovative

solutions and try out ideas in a sustainable way and to experience being the drivers of solidarity actions. They could also serve as a springboard for further engagement in solidarity activities and could be a first step towards encouraging participants to engage in social entrepreneurship or as volunteers in associations, non-governmental organisations (NGOs), youth organisations or other bodies active in the solidarity, non-profit and youth sectors and the setting up of their own associations. Post-placement support will aim to support young people in remaining engaged and active in the solidarity sector, including through involvement with associations, cooperatives, social enterprises, youth organisations and community centres.

(15) Volunteering and solidarity projects should cover the participants' expenditure arising from participation in such solidarity activities but should not provide them with salaries or an economic benefit.

(16) Participants and participating organisations should feel that they belong to a community of individuals and entities committed to enhancing solidarity across Europe and beyond. At the same time, participating organisations need support to strengthen their ability to offer high-quality solidarity activities to an increasing number of participants and to attract newcomers. The European Solidarity Corps should support networking activities aimed at strengthening the capacity of young people and participating organisations to engage in this community, at fostering a European Solidarity Corps spirit, as well as at encouraging the exchange of useful solidarity practices and experience drawing also from experience with civil protection, where appropriate. Networking activities should also contribute to raising awareness about the European Solidarity Corps among public and private entities as well as to collecting feedback from participants and participating organisations on the implementation of the European Solidarity Corps.

(17) Particular attention should be paid to ensuring the quality of the solidarity activities and other opportunities offered under the European Solidarity Corps, in particular by offering participants online and offline training and language support in a way that respects the principle of multilingualism, insurance, administrative support and support before the solidarity activity, after the solidarity activity, or both, as well as a validation of the competences acquired during their European Solidarity Corps experience. Those support measures should be developed and provided in collaboration with youth organisations and other non-profit and civil society organisations in order to tap into their expertise on the field. Those support measures should take into account the environment and the nature of activities carried out by participants, with special attention to any potential risks.

(18) To ensure the impact of European Solidarity Corps activities on the personal, educational, artistic, social, civic and professional development of the participants, the competences that are the learning outcomes of the solidarity activities should be properly identified and documented, in accordance with national circumstances and specificities, as recommended in the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning[(6)]. To that end, the use of effective instruments at Union and national level for the recognition of non-formal and informal learning, such as Youthpass and Europass should be encouraged, as appropriate.