Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative')

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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 Article 214(5) thereof,

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

(1) Solidarity is a fundamental value of the Union and there is potential for further developing means of expressing solidarity of Union citizens with people in third countries vulnerable to or affected by man-made crises or natural disasters. Moreover, the Union as a whole is the world's largest humanitarian aid donor, providing almost 50 % of global humanitarian aid.

(2) Volunteering is a concrete and visible expression of solidarity allowing individuals to dedicate their knowledge, skills and time to the service of fellow human beings, without pecuniary motivation.

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

(4) The Union's vision of humanitarian aid, including a common objective, principles and good practice and a common framework to deliver the Union's humanitarian aid, is set out in the Joint Statement by the Council and the Representatives of the Governments of the Member States meeting with the Council, the European Parliament and the European Commission entitled 'The European Consensus on Humanitarian Aid'[(2)]. The European Consensus on Humanitarian Aid underlines the Union's firm commitment to a needs-based approach as well as to upholding and promoting the fundamental humanitarian principles of humanity, neutrality, impartiality and independence. The actions of the European Voluntary Humanitarian Aid Corps ('the EU Aid Volunteers initiative') should be guided by the European Consensus on Humanitarian Aid.

(5) The Union's humanitarian aid is delivered in situations where other instruments related to development cooperation, crisis management and civil protection may operate. The EU Aid Volunteers initiative should work in a coherent and complementary manner and avoid overlaps with relevant Union policies and instruments, in particular with the Union's humanitarian aid policy, development cooperation policy and the Union Civil Protection Mechanism established by Decision No 1313/2013/EU of the European Parliament and of the Council[(3)], the Emergency Response Coordination Centre established by that Decision and with the European External Action Service (EEAS) and the EU Delegations in order to coordinate the Union's response to humanitarian crises in third countries.

(6) The EU Aid Volunteers initiative should contribute to efforts to strengthen the Union's capacity to provide needs-based humanitarian assistance and to strengthen the capacity and resilience of vulnerable or disaster-affected communities in third countries. It is furthermore important to foster cooperation with relevant international organisations and other humanitarian partners and local and regional actors. That cooperation should be pursued in accordance with the actions undertaken by the United Nations, in order to support the central and overall coordinating role of the United Nations Office for the Coordination of Humanitarian Affairs (UN-OCHA).

(7) The number, scope and complexity of humanitarian crises worldwide, both natural and man-made, have increased significantly over the years and that trend is likely to continue, leading to a rising demand on humanitarian actors to provide an immediate, effective, efficient and coherent response and to support third country local communities in order to make them less vulnerable and to strengthen their resilience to disasters.

(8) Volunteers can contribute to strengthening the Union's capacity to provide needs-based and principled humanitarian aid and contribute to enhancing the effectiveness of the humanitarian sector when they are adequately selected, trained and prepared for deployment so as to ensure that they have the necessary skills and competences to help people in need in the most effective way, provided that they can count on sufficient on-site support and supervision.

(9) Volunteering schemes exist in Europe and worldwide focusing on third country deployment. These are often national schemes which focus mainly or exclusively on development projects. The EU Aid Volunteers initiative should, therefore, add value by providing opportunities for volunteers to jointly contribute to humanitarian aid operations, thus reinforcing active European citizenship. The EU Aid Volunteers initiative can also add value by fostering transnational cooperation of organisations participating in the implementation of the actions under the EU Aid Volunteers initiative, thereby improving international relations, projecting a positive image of the Union in the world and fostering interest in pan-European humanitarian projects.

(10) The EU Aid Volunteers initiative should be cost-effective, should complement existing national and international voluntary schemes without duplicating them, and should be focused on addressing concrete needs and gaps in the humanitarian field.

(11) As highlighted in the Commission Communication of 23 November 2010 entitled ‘How to express EU citizens' solidarity through volunteering: First reflections on a European Voluntary Humanitarian Aid Corps’, there are gaps in the current landscape of humanitarian volunteering which the EU Aid Volunteers initiative can fill with the volunteers with the right profiles deployed at the right time to the right place. This could be achieved notably through providing European standards and procedures on identification and selection of humanitarian volunteers, commonly agreed benchmarks for training and preparation of humanitarian volunteers for deployment, a database of potential volunteers who are identified based on the needs in the field, and opportunities for volunteers to contribute to humanitarian operations not only by deployment but also through back-office support and online-volunteering activities.

(12) Appropriate training, as well as the security and safety of the volunteers should remain of paramount importance and be subject to regular exchange of information, including with Member States. EU Aid Volunteers should not be deployed to operations conducted in the theatre of international and non-international armed conflicts.

(13) The Union carries out its humanitarian aid operations based on needs and in partnership with implementing organisations. Those organisations should play a significant role in implementing the EU Aid Volunteers initiative in order to ensure ownership by the actors in the field and to maximise the potential uptake of the actions under that initiative. The Union should entrust such organisations notably with the identification, selection, preparation and deployment of EU Aid Volunteers, as well as with follow-up during and after assignments, in accordance with standards and procedures established by the Commission. The Commission should, where appropriate, be able to draw upon successfully trained and prepared volunteers for deployment to its field offices for support tasks.

(14) The Commission Communication of 25 October 2011 entitled ‘A renewed EU strategy 2011-14 for Corporate Social Responsibility’ states that private companies can play an important role and contribute to the Union's humanitarian operations, in particular through employee volunteering.

(15) The EU Aid Volunteers initiative should help Europeans of all ages to demonstrate active European citizenship. The initiative should thus contribute to promoting volunteering across the Union and to the personal development and intercultural awareness of participating volunteers, thereby improving their competences and employability in the global economy.

(16) The Union's principles of equal opportunities and non-discrimination suggest that Union citizens and long-term residents in the Union of all walks of life and age should be able to engage as active citizens. Given the specific challenges of the humanitarian context, EU Aid Volunteers should have a minimum age of 18 years and could represent a wide diversity of profiles and generations, including experts and skilled retirees.

(17) A clear legal status is a crucial precondition for volunteers to participate in deployment in countries outside the Union. The terms of deployment of the volunteers should be defined contractually, including standards for protection and safety of the volunteers,

responsibilities of the sending and hosting organisations, insurance coverage, coverage of subsistence, accommodation and other relevant expenses. Volunteers' deployment in third countries should be subject to adequate safety and security arrangements.

(18) The recommendations contained in the Policy Agenda for Volunteering in Europe and the work of European and international volunteering organisations and the United Nations Volunteers programme should, where relevant, be taken into account in the actions under the EU Aid Volunteers initiative.

(19) The EU Aid Volunteers initiative should support needs-based actions aimed at strengthening the hosting organisations' capacity for humanitarian aid in third countries in order to enhance local preparedness and response to humanitarian crises and to ensure the effective and sustainable impact of the EU Aid Volunteers' work on the ground through disaster risk management, preparedness and response, coaching, training in volunteer management, and other relevant areas.

(20) The EU Aid Volunteers initiative should, where relevant, aim to contribute to strengthening the gender perspective in Union humanitarian aid policy, promoting adequate humanitarian responses to the specific needs of women and men of all ages. Special attention should be paid to cooperation with women's groups and networks in order to promote the participation and leadership of women in humanitarian aid and to draw on their capacities and expertise to contribute to recovery, peace-building, disaster risk reduction and building resilience of affected communities.

(21) This Regulation lays down, for the entire duration of the financial period, a financial envelope which is to constitute the prime reference amount, within the meaning of 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 management[(4)], for the European Parliament and the Council during the annual budgetary procedure.

(22) The allocation of financial assistance should be implemented in accordance with Regulation (EU, Euratom) No 966/ 2012 of the European Parliament and of the Council[(5)]. Due to the specific nature of the actions under the EU Aid Volunteers initiative, it is appropriate to provide that financial assistance may be awarded to natural persons and legal persons governed by public or private law. It is also important to ensure that the rules of that Regulation are respected, in particular regarding the principles of economy, efficiency and effectiveness laid down therein.

(23) Improving implementation and quality of spending should constitute guiding principles for achievement of the objectives of the EU Aid Volunteers initiative, while ensuring optimal use of financial resources.

(24) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties. Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulation (EC, Euratom) No 2988/95[(6)],

Council Regulation (Euratom, EC) No 2185/96[(7)] and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council[(8)].

(25) Participation of third countries, in particular acceding countries, candidate countries, potential candidates, partner countries of the European Neighbourhood Policy and European Free Trade Association countries, should be possible on the basis of cooperation agreements.

(26) Participating volunteers and organisations implementing the actions under the EU Aid Volunteers initiative, from cooperating countries, should also adhere to and advocate respect for the principles set out in the European Consensus on Humanitarian Aid, with emphasis on the protection of the 'humanitarian space'.

(27) In order to allow for continuous feedback and improvement and to increase the flexibility and efficiency of their adoption, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of provisions relating to the standards for selection, management and deployment of EU Aid Volunteers, the amendment of the performance indicators and the thematic priorities and the adjustment of the percentages for allocation of the financial envelope for implementation of this Regulation. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(28) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[(9)]. The examination procedure should be used for the adoption of the procedures for selection, management and deployment of EU Aid Volunteers, the certification mechanism, the training programme and the annual work programme of the EU Aid Volunteers initiative.

(29) This Regulation respects the fundamental rights and observes the principles which are recognised by the Charter of Fundamental Rights of the European Union.

(30) The processing of personal data which is carried out within the framework of this Regulation does not go beyond what is necessary and proportionate for the purposes of ensuring the smooth running of the EU Aid Volunteers initiative. Any processing of personal data by the Commission will be governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council[(10)]. Any processing of personal data by organisations implementing the actions under the EU Aid Volunteers initiative, legally established in the Union, will be governed by Directive 95/46/EC of the European Parliament and of the Council[(11)].

(31) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 and delivered an opinion on 23 November 2012[(12)].