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 (Text with EEA relevance)

REGULATION (EU) No 1381/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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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 19(2), 21(2), 114, 168, 169 and 197 thereof,

Having regard to the proposal from the European Commission,

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

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

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

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

Whereas:

(1) The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights and fundamental freedoms. Those values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. Persons are entitled to enjoy in the Union the rights conferred on them by the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU). Furthermore, the Charter of Fundamental Rights of the European Union (the "Charter"), which with the entry into force of the Treaty of Lisbon became legally binding across the Union, reflects the fundamental rights and freedoms to which persons are entitled in the Union. Those rights should be promoted and respected. The full enjoyment of those rights, as well as of the rights deriving from international conventions to which the Union has acceded, such as the United Nations Convention on the Rights of Persons with Disabilities, should be guaranteed and any obstacles should be dismantled. Furthermore, the enjoyment of those rights entails responsibilities and duties with regard to other persons, to the human community and to future generations.

(2) In the Stockholm Programme[(4)] the European Council reaffirmed the priority of developing an area of freedom, security and justice and specified as a political priority

the achievement of a Europe of rights. Financing was identified as one of the important tools for the successful implementation of the Stockholm Programme's political priorities. The ambitious goals set by the Treaties and by the Stockholm Programme should be attained inter alia by establishing, for the period 2014 to 2020, a flexible and effective Rights, Equality and Citizenship Programme (the "Programme") which should facilitate planning and implementation. The general and specific objectives of the Programme should be interpreted in line with the relevant strategic guidelines defined by the European Council.

(3) The Commission Communication of 3 March 2010 on the Europe 2020 Strategy sets out a strategy for smart, sustainable and inclusive growth. Supporting and promoting the rights of persons within the Union, tackling discrimination and inequalities and promoting Union citizenship contribute to the promotion of the specific objectives and flagship initiatives of the Europe 2020 Strategy.

(4) Non-discrimination is a fundamental principle of the Union. Article 19 TFEU 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, which should be applied within the limits of, and in accordance with, Article 51 of the Charter. The specific features of the diverse forms of discrimination should be accommodated and appropriate action should be developed in parallel to prevent and combat discrimination on one or more grounds.

(5) 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 2020"[(5)] and in the Council conclusions of 19 May 2011 on an EU Framework for National Roma Integration Strategies up to 2020, which call on the Member States to address the social and economic exclusion of Roma by pursuing a mainstreaming approach in four key areas – education, employment, health and housing, as well as by ensuring that Roma are not discriminated against but accorded equal recognition of their fundamental rights, and to take measures to eliminate segregation where it exists, notably in the areas of education and housing.

(6) Racism, xenophobia, homophobia and other forms of intolerance are direct violations of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the Union is founded and which are common to the Member States. Combating those phenomena is therefore a constant goal which requires coordinated action, including by the allocation of funding. Those phenomena include, among others, public incitement to violence or hatred directed against a group of persons or a member of such a group, as well as other offences when committed with racist, xenophobic or homophobic motivation. 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, for example in public administration, the police, the judiciary, at school and in the workplace.

(7) Equality between women and men is one of the Union's founding values. Unequal treatment between women and men violates fundamental rights. Moreover, the promotion of equality between women and men also contributes to achieving the objectives of the Europe 2020 Strategy. The objective of promoting equality between women and men should be implemented in a mutually reinforcing manner with other Union or Member States activities that have the same objective, in particular with those referred to in the European Pact for gender equality for the period 2011 to 2020.

(8) Discrimination on the ground of sex includes, in line with the case-law of the Court of Justice of the European Union, discrimination arising from gender reassignment. In the implementation of the Programme, regard should also be had to developments in Union law and in the case-law of the Court of Justice of the European Union with regard to further gender related aspects, including gender identity.

(9) The right to be treated with dignity in the workplace and society in general is an expression of the founding values of the Union and coordinated action is necessary to permit targeted activities in relation to the employment market. Therefore, actions in the area of gender equality and non-discrimination should include promoting equality between women and men and combating discrimination in the workplace and the employment market.

(10) Violence against children, young people and women, as well as against other groups at risk, in all its forms, constitutes a violation of fundamental rights and a serious health scourge. Such violence is present throughout the Union and has serious repercussions on victims' physical and psychological health as well as on society as a whole. Strong political will and coordinated action based on the methods and results of the Daphne programmes[(6)] are necessary in order to address it and to protect victims. Taking action to combat violence against women contributes to the promotion of equality between women and men. As the Daphne funding has been a genuine success since its launch in 1997, both in terms of its popularity with stakeholders (public authorities, academic institutions and non-governmental organisations (NGOs)) and in terms of the effectiveness of the funded projects, it is essential that in the implementation of the Programme the name "Daphne" be maintained in relation to the specific objective that is aimed at preventing and combating violence against children, young people and women, so as to keep the Daphne programmes' profile as high as possible.

(11) Article 3(3) TEU requires the Union to promote the protection of the rights of the child, while combating discrimination. Children are vulnerable, in particular in situations of poverty, social exclusion or disability or in other specific situations exposing them to risk, such as neglect, abduction and disappearance. 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 or mental health and constitute a breach of their rights to development, protection and dignity.

(12) Personal data should continue to be protected effectively in a context of constant technological development and globalisation. The Union's legal framework for data protection should be applied effectively and consistently within the Union. To achieve this, the Union should be able to support the efforts of Member States to implement that

legal framework, placing particular emphasis on ensuring that individuals can exercise their rights effectively.

(13) Citizens should be more aware of their rights deriving from citizenship of the Union, namely their right to move and reside freely in the Union, their right to vote and stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence under the same conditions as nationals of that State, their right to petition the European Parliament in any of the Treaty languages, their right to submit citizens' initiatives and their right to lodge complaints with the European Ombudsman against institutional maladministration, and should be able to exercise those rights. Encouraging citizens to play a more active role in democracy at Union level will strengthen European civil society and foster the development of a European identity. Citizens should feel at ease about living, travelling, studying, working and volunteering in another Member State, and should feel able to 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.

(14) Individuals in their capacity as consumers or entrepreneurs in the internal market should be able to enforce their rights deriving from Union law in a cross-border context.

(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. Regular monitoring and evaluation should be carried out to assess the way in which gender equality and non-discrimination issues are addressed in the Programme's activities.

(16) Experience of action at Union level has shown that achieving the objectives of the Programme in practice calls for a combination of instruments, including legal acts, policy initiatives and funding. Funding is an important tool complementing legislative measures.

(17) In addition to being of real value to beneficiaries, actions funded under the Programme can generate evidence on which to base improved policy-making at national and at Union level. For example, the Daphne programmes have allowed for a real transfer of learning and good practices between all stakeholders involved, including Member States, in relation to preventing and combating violence against children, young people and women.

(18) The Commission Communication of 29 June 2011 entitled 'A budget for Europe 2020' stresses the need for the rationalisation and simplification of Union funding. Especially in view of the current economic crisis, it is of the utmost importance that Union funds be structured and managed in the most diligent manner. Meaningful simplification and efficient management of funding can be achieved through a reduction in the number of programmes and through the rationalisation, simplification and harmonisation of funding rules and procedures.

(19) In responding to the need for simplification, efficient management and easier access to funding, the Programme should continue and develop activities previously carried out on the basis of section 4 ('Antidiscrimination and diversity') and section 5 ('Gender

equality') of the Progress programme established by Decision No 1672/2006/EC of the European Parliament and of the Council[(7)], the Fundamental rights and citizenship programme established by Council Decision 2007/252/EC[(8)] and the Daphne III programme. The mid-term evaluations of those programmes include recommendations aimed at improving the implementation of those programmes. The findings of those mid-term evaluations, as well as the findings of the respective ex-post evaluations, need to be taken into account in the implementation of the Programme.

(20) Ensuring optimal use of the financial resources and improving the efficiency of spending should constitute guiding principles for achieving the objectives of the Programme. Adequate funding should be guaranteed to support the efforts to establish a Europe of rights. It is important to ensure that the Programme is implemented in the most effective and user-friendly manner possible, at the same time guaranteeing legal security and access to it for all participants. In order to facilitate access to funding for all potential beneficiaries, the application procedures and the financial management requirements should also be simplified and the administrative burdens removed.

(21) The Commission Communication of 19 October 2010 entitled 'The EU Budget Review' and the Commission Communication of 29 June 2011 entitled 'A budget for Europe 2020' underline the importance of focusing funding on actions with clear European added value, i.e. where Union intervention can bring additional value compared to the action of Member States alone. Actions covered by this Regulation should contribute to the development of mutual trust between Member States, increasing cross-border cooperation and networking and achieving the correct, coherent and consistent application of Union law. Funding activities should also contribute to achieving effective and better knowledge of Union law and policies by all those concerned and should provide a sound analytical basis for the support and the development of Union law and policies, in so doing contributing to their enforcement and proper implementation. Union intervention allows for those actions to be pursued consistently across the Union and brings economies of scale. Moreover, the Union is in a better position than Member States to address cross-border situations and to provide a European platform for mutual learning.

(22) In selecting actions for funding under the Programme, the Commission should assess the proposals against pre-identified criteria. Those criteria should include an assessment of the European added value of the proposed actions. National projects and small-scale projects can also have European added value.

(23) Bodies and entities pursuing an aim of general European interest in the areas covered by the Programme should be regarded as key actors to the extent that they have proven, or can be expected to prove, to have a considerable effect on realising that aim, and should receive funding in accordance with the procedures and criteria set out in the annual work programmes adopted by the Commission pursuant to this Regulation.

(24) Harmonised services of social value should be interpreted within the meaning of Article 2 of Commission Decision No 116/2007/EC[(9)].

(25) Bodies and entities that have access to the Programme should include national, regional and local authorities.