

**REGULATION (EU) 2021/1057 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 24 June 2021**  
**establishing the European Social Fund Plus (ESF+) and repealing Regulation (EU) No 1296/2013**

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 46, point (d), Article 149, Article 153(2), point (a), Article 164, Article 175, third paragraph, and Article 349 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 <sup>(1)</sup>,

Having regard to the opinion of the Committee of the Regions <sup>(2)</sup>,

Acting in accordance with the ordinary legislative procedure <sup>(3)</sup>,

Whereas:

- (1) On 17 November 2017, the European Pillar of Social Rights (the ‘Pillar’) was jointly proclaimed by the European Parliament, the Council and the Commission as a response to social challenges in Europe. The 20 key principles of the Pillar are structured in three categories: equal opportunities and access to the labour market; fair working conditions; and social protection and inclusion. The 20 principles of the Pillar should guide the actions under the European Social Fund Plus (ESF+). In order to contribute to the implementation of the Pillar, the ESF+ should support investments in people and systems in the policy areas of employment, education and social inclusion, thereby supporting economic, territorial and social cohesion in accordance with Article 174 of the Treaty on the Functioning of the European Union (TFEU).
- (2) At Union level, the European Semester for economic policy coordination (the ‘European Semester’) is the framework to identify national reform priorities and monitor their implementation. Member States develop their own national multiannual investment strategies in support of those reform priorities. Those strategies should be presented alongside the yearly national reform programmes in order to outline and coordinate priority investment projects to be supported by Union or national funding.

They should also help to use Union funding in a coherent manner and to maximise the added value of the financial support to be received, in particular from the programmes supported by the Union under, where relevant, the European Regional Development Fund (ERDF) and Cohesion Fund the specific objectives and scope of support of which are set out in Regulation (EU) 2021/1058 of the European Parliament and of the Council <sup>(4)</sup>, the ESF+, the European Maritime, Fisheries and Aquaculture Fund (EMFAF) established by a Regulation of the European Parliament and of the Council, the European Agricultural Fund for Rural Development (EAFRD) established by Regulation (EU) No 1305/2013 of the European Parliament and of the Council <sup>(5)</sup> and the InvestEU Programme established by Regulation (EU) 2021/523 of the European Parliament and of the Council <sup>(6)</sup> (InvestEU Programme).

<sup>(1)</sup> OJ C 429, 11.12.2020, p. 245.

<sup>(2)</sup> OJ C 86, 7.3.2019, p. 84.

<sup>(3)</sup> Position of the European Parliament of 16 January 2019 (OJ C 411, 27.11.2020, p. 324) and position of the Council at first reading of 27 May 2021 (not yet published in the Official Journal). Position of the European Parliament of 23 June 2021 (not yet published in the Official Journal).

<sup>(4)</sup> Regulation (EU) 2021/1058 of the European Parliament and of the Council of 24 June 2021 on the European Regional Development Fund and on the Cohesion Fund (see page 60 of this Official Journal).

<sup>(5)</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

<sup>(6)</sup> Regulation (EU) 2021/523 of the European Parliament and of the Council of 24 March 2021 establishing the InvestEU Programme and amending Regulation (EU) 2015/1017 (OJ L 107, 26.3.2021, p. 30).

- (3) Revised guidelines for the employment policies of Member States were adopted by means of Council Decision (EU) 2020/1512 <sup>(7)</sup>. The text of those guidelines has been aligned with the principles of the Pillar, with a view to improving Europe's competitiveness and making it a better place to invest, create jobs and foster social cohesion. In order to ensure the full alignment of the ESF+ with the objectives of those guidelines, particularly as regards employment, education, training and the fight against social exclusion, poverty and discrimination, the ESF+ should support Member States by taking into account the relevant integrated guidelines and relevant country-specific recommendations adopted pursuant to Article 121(2) and Article 148(2) and (4) TFEU and, where appropriate, the national reform programmes underpinned by national strategies. The ESF+ should also contribute to relevant aspects of the implementation of key Union initiatives and activities, in particular the Commission communications of 10 June 2016 entitled 'A new Skills Agenda for Europe', of 30 September 2020 entitled 'European Education Area', and of 7 October 2020 entitled 'A Union of Equality: EU Roma strategic framework for equality, inclusion and participation' as well as the Council Recommendations of 15 February 2016 on the integration of the long-term unemployed into the labour market, of 19 December 2016 on Upskilling Pathways, of 30 October 2020 on A Bridge to Jobs – Reinforcing the Youth Guarantee and of 12 March 2021 on Roma equality, inclusion and participation.
- (4) On 20 June 2017, the Council adopted conclusions entitled 'A sustainable European future: the EU response to the 2030 Agenda for Sustainable Development'. The Council underlined the importance of achieving sustainable development across the three dimensions (economic, social and environmental) in a balanced and integrated way. It is vital that sustainable development is mainstreamed into all Union internal and external policy areas and that the Union is ambitious in its policies that address global challenges. The Council welcomed the Commission communication of 22 November 2016 entitled 'Next steps for a sustainable European future' as a first step in mainstreaming the United Nations (UN) Sustainable Development Goals (SDGs) and applying sustainable development as an essential guiding principle for all Union policies, including through its financing instruments. The ESF+ should contribute to the implementation of the SDGs by, inter alia, eradicating extreme forms of poverty (SDG 1); promoting quality and inclusive education (SDG 4); promoting gender equality (SDG 5); promoting sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (SDG 8); and reducing inequality (SDG 10).
- (5) Recent and ongoing developments have aggravated the structural challenges arising from economic globalisation, social inequalities, the management of migration flows and the increased security threat, clean energy transition, technological change, demographic decline, unemployment, in particular youth unemployment, and an increasingly ageing workforce as well as challenges stemming from growing mismatches between demand and supply of skills and labour in some sectors and regions, experienced especially by small and medium-sized enterprises (SMEs). The green and digital transitions and the transformation of European industrial ecosystems are likely to entail many new opportunities, if accompanied by the right skill sets and employment and social policies and actions. Taking into account the changing realities of the world of work, the Union should be prepared for current and future challenges by investing in relevant skills, education, training and lifelong learning making growth more inclusive and by improving employment and social policies, while taking into account economic and industrial sustainability, labour mobility and aiming to establish a gender balanced labour market.
- (6) Regulation (EU) 2021/1060 of the European Parliament and of the Council <sup>(8)</sup> establishes the framework for action by the ERDF, the ESF+, the Cohesion Fund, the Just Transition Fund (JTF) established by Regulation (EU) 2021/1056 of the European Parliament and of the Council <sup>(9)</sup>, the EMFAF, the Asylum, Migration and Integration Fund (AMIF), the Internal Security Fund (ISF) and the Instrument for Financial Support for Border Management and Visa Policy as a part of the Integrated Border Management Fund and lays down, in particular, the policy objectives and the rules concerning programming, monitoring and evaluation, management and control for Union funds implemented under shared management. It is therefore necessary to specify the general objectives of the ESF+ and to lay down specific provisions concerning the type of activities that may be financed by the ESF+.

<sup>(7)</sup> Council Decision (EU) 2020/1512 of 13 October 2020 on guidelines for the employment policies of the Member States (OJ L 344, 19.10.2020, p. 22).

<sup>(8)</sup> Regulation (EU) 2021/1060 of the European Parliament and of the Council of 24 June 2021 laying down common provisions on the European Regional Development Fund, the European Social Fund Plus, the Cohesion Fund, the Just Transition Fund and the European Maritime, Fisheries and Aquaculture Fund and financial rules for those and for the Asylum, Migration and Integration Fund, the Internal Security Fund and the Instrument for Financial Support for Border Management and Visa Policy (see page 159 of this Official Journal).

<sup>(9)</sup> Regulation (EU) 2021/1056 of the European Parliament and of the Council of 24 June 2021 establishing the Just Transition Fund (see page 1 of this Official Journal).

- (7) Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council <sup>(10)</sup> (the 'Financial Regulation') lays down rules on the implementation of the general budget of the Union (Union budget), including the rules on grants, prizes, procurement, indirect management, financial instruments, budgetary guarantees, financial assistance and the reimbursement of external experts. Co-financing for grants may be provided from beneficiaries' own resources, income generated by the project or financial or in-kind contributions from third parties. In order to ensure consistency in the implementation of Union programmes, the Financial Regulation is to apply to the actions to be implemented under direct or indirect management under the ESF+.
- (8) The forms of Union funding 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. For grants, 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), point (a), of the Financial Regulation. To implement measures linked to the socio-economic integration of third-country nationals, and in accordance with Article 94 of the Regulation (EU) 2021/1060, the Commission may reimburse Member States using simplified cost options including lump sums.
- (9) In order to streamline and simplify the funding landscape and create additional opportunities for synergies through integrated funding approaches, the actions which were supported by the Fund for European Aid to the Most Deprived established by Regulation (EU) No 223/2014 of the European Parliament and of the Council <sup>(11)</sup>, and by the European Union Programme for Employment and Social Innovation established by Regulation (EU) No 1296/2013 of the European Parliament and of the Council <sup>(12)</sup> should be integrated into the ESF+. The ESF+ should comprise of two strands: the strand under shared management (the 'ESF+ strand under shared management'), to be implemented under shared management, and the Employment and Social Innovation strand (the 'EaSI strand'), to be implemented under direct and indirect management. This should contribute to reducing the administrative burden linked to the management of different funds, in particular for Member States and beneficiaries, while maintaining simpler rules for simpler operations such as the distribution of food and/or basic material assistance.
- (10) In view of the wider scope of the ESF+, it is appropriate that the aims to enhance the effectiveness of labour markets, promote equal access to quality employment, improve equal access to and quality of education and training to aid reintegration into education systems, promote social inclusion, facilitate access to healthcare for vulnerable persons and contribute to eradicating poverty, are not only implemented under shared management under ESF+ strand under shared management, but also, for actions required at Union level, under direct and indirect management under the EaSI strand.
- (11) This Regulation lays down a financial envelope for the entire duration of the ESF+, which is to constitute the prime reference amount, within the meaning of point 18 of the Interinstitutional Agreement of 16 December 2020 between the European Parliament, the Council of the European Union and the European Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management, as well as on new own resources, including a roadmap towards the introduction of new own resources <sup>(13)</sup>, for the European Parliament and the Council during the annual budgetary procedure. It should specify the allocation for the ESF+ strand under shared management and the allocation for actions to be implemented under the EaSI strand.

<sup>(10)</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

<sup>(11)</sup> Regulation (EU) No 223/2014 of the European Parliament and of the Council of 11 March 2014 on the Fund for European Aid to the Most Deprived (OJ L 72, 12.3.2014, p. 1).

<sup>(12)</sup> Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ('EaSI') and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

<sup>(13)</sup> OJ L 433 I, 22.12.2020, p. 28.

- (12) With a view to facilitating the implementation of the specific and operational objectives of the EaSI strand, the ESF+ should support activities related to technical and administrative assistance, such as preparatory, monitoring, control, audit and evaluation activities, while communication and dissemination activities should be part of the actions eligible under the EaSI strand.
- (13) The ESF+ should aim to promote employment by means of active interventions enabling integration and reintegration into the labour market, in particular for young people, especially through the implementation of the reinforced Youth Guarantee, for long-term unemployed people, for disadvantaged groups on the labour market and for inactive people, as well as by means of promoting self-employment and the social economy. The ESF+ should aim to improve the functioning of labour markets by supporting the modernisation of labour market institutions such as the public employment services in order to improve their capacity to provide intensified targeted counselling and guidance during the job search and the transition to employment and to enhance the mobility of workers. The ESF+ should promote a gender-balanced participation in the labour market through measures that aim to ensure, inter alia, equal working conditions, improved work-life balance and access to childcare, including early childhood education and care. The ESF+ should also aim to provide a healthy and well-adapted working environment in order to respond to health risks related to changing forms of work, and the needs of the ageing workforce.
- (14) The ESF+ should provide support for the improvement of the quality, inclusiveness, effectiveness and labour market relevance of education and training systems, including by the promotion of digital learning, the validation of non-formal and informal learning and the professional development of teaching staff, in order to facilitate the acquisition of key competences in particular as regards basic skills, including health literacy, media literacy, entrepreneurial skills, language skills, digital skills and competencies for sustainable development, which all individuals need for personal fulfilment and development, employment, social inclusion and active citizenship. The ESF+ should help progression within education and training and transition to work, should support lifelong learning and employability with a view to facilitating full participation in society for all, and should contribute to competitiveness, including through graduate tracking, and to societal and economic innovation by supporting sustainable initiatives that are capable of being scaled up in those fields and adapted to different target groups such as persons with disabilities. Such help, support and contribution could be achieved, for example, by means of online learning, work-based training, traineeships, dual education and training systems, and apprenticeships as defined in the Council Recommendation of 15 March 2018 on a European Framework for Quality and Effective Apprenticeships, lifelong guidance, skills anticipation in close cooperation with industry, up-to-date training materials and delivery methods, forecasting and graduate tracking, training of educators, validation of learning outcomes and recognition of qualifications and industry-based certifications.
- (15) Support from the ESF+ should be used to promote equal access for all, in particular for disadvantaged groups, to quality, non-segregated and inclusive education and training from early childhood education and care, while paying special attention to children coming from a socio-economically disadvantaged background, by means of general and vocational education and training, in particular apprenticeships, to tertiary level, as well as by means of adult education and learning, including through sport and cultural activities. The ESF+ should provide targeted support to learners in need and reduce educational inequalities, including the digital divide, prevent and reduce early school leaving, foster permeability between the education and training sectors, reinforce links with non-formal and informal learning and facilitate learning mobility for all and accessibility for persons with disabilities. Synergies with Erasmus+ established by Regulation (EU) 2021/817 of the European Parliament and of the Council <sup>(14)</sup>, in particular to facilitate the participation of disadvantaged learners in learning mobility, should be supported in this context.

<sup>(14)</sup> Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

- (16) The ESF+ should promote flexible opportunities for upgrading of skills and acquiring new and different skills by all, in particular entrepreneurial and digital skills, skills for key enabling technologies and skills for the green economy as well as industrial ecosystems in line with the Commission communication of 10 March 2020 entitled 'A New Industrial Strategy for Europe'. In line with the Skills Agenda for Europe and the Council Recommendation on Upskilling Pathways <sup>(15)</sup>, the ESF+ should support flexible pathways, including accessible, short, targeted, modular training leading to credentials, with a view to providing people with the skills that are adjusted to labour market and industrial ecosystems needs, the green and digital transitions, innovation and social and economic change, the facilitation of reskilling and upskilling and employability, career transitions, geographic and sectoral mobility and supporting in particular low-skilled persons, persons with disabilities and poorly qualified adults. The ESF+ should also facilitate the provision of support to individuals with regard to integrated skills, including employed, self-employed and unemployed persons, through instruments such as individual learning accounts.
- (17) Synergies with Horizon Europe – the Framework Programme for Research and Innovation – established by Regulation (EU) 2021/695 of the European Parliament and of the Council <sup>(16)</sup> (Horizon Europe) should ensure that the ESF+ is able to mainstream and scale up innovative curricula supported by Horizon Europe in order to equip people with the skills and competences needed for the jobs of the future.
- (18) The ESF+ should support the efforts of Member States to contribute to the eradication of poverty with a view to breaking the cycle of disadvantage across generations and promote social inclusion by ensuring equal opportunities for all, reducing barriers, tackling discrimination and addressing health inequalities. Such support implies mobilising a range of policies targeting the most disadvantaged people regardless of their sex, sexual orientation, age, religion or belief, racial or ethnic origin, in particular marginalised communities such as Roma people, people with disabilities or chronic diseases, homeless people, children and elderly people. The ESF+ should promote the active inclusion of people far from the labour market with a view to ensuring their socio-economic integration. The ESF+ should also be used to enhance timely and equal access to affordable, sustainable and high-quality services that promote the access to housing and person-centred care such as healthcare and long-term care, in particular family and community-based care services. The ESF+ should contribute to the modernisation of social protection systems with a particular focus on children and disadvantaged groups and with a view, in particular, to promoting the accessibility of such systems, including for persons with disabilities.
- (19) The ESF+ should contribute to the eradication of poverty by supporting national schemes aiming to alleviate food and material deprivation and promote social integration of people at risk of poverty or social exclusion and the most deprived persons. With the overall aim that, at Union level, a minimum of 4 % of the resources of the ESF+ strand under shared management support the most deprived persons, Member States should allocate at least 3 % of their resources of the ESF+ strand under shared management to address the forms of extreme poverty with the greatest social exclusion impact, such as homelessness, child poverty and food deprivation. The provision of food and/or basic material assistance to the most deprived persons should not replace existing social benefits provided to them under national social systems or pursuant to national law. Due to the nature of the operations and the type of end recipients, it is necessary that simpler rules apply to support which addresses material deprivation of the most deprived persons.
- (20) In light of the persistent need to enhance efforts to address the management of migration flows in the Union as a whole and in order to ensure a coherent, strong and consistent support to solidarity and responsibility-sharing efforts, the ESF+ should provide support to promote the socio-economic integration of third-country nationals, including migrants, which may include initiatives at local level, complementary to the actions financed under the AMIF, the ERDF and other Union funds which can have a positive effect on the inclusion of third-country nationals.

<sup>(15)</sup> Council Recommendation of 19 December 2016 on Upskilling Pathways: New Opportunities for Adults (OJ C 484, 24.12.2016, p. 1).

<sup>(16)</sup> Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

- (21) Due to the importance of access to healthcare, the ESF+ should ensure synergies and complementarities with the EU4Health Programme established by Regulation (EU) 2021/522 of the European Parliament and of the Council <sup>(17)</sup> and the scope of the ESF+ should include access to healthcare for people in vulnerable situations.
- (22) The ESF+ should support policy and system reforms in the fields of employment, social inclusion, access to healthcare for vulnerable persons, long-term care, education and training, contributing to poverty eradication. In order to strengthen alignment with the European Semester, Member States should allocate an appropriate amount of their resources of the ESF+ strand under shared management to implement relevant country-specific recommendations relating to structural challenges which it is appropriate to address through multiannual investments falling within the scope of the ESF+, taking into account the Pillar, the Social Scoreboard of indicators, as revised following the adoption of the new targets set out in the Social Pillar Action Plan, and regional specificities.

The Commission and Member States should ensure coherence, coordination and complementarity between the ESF+ strand under shared management and other Union funds, programmes and instruments such as the JTF, the ERDF, the EU4Health Programme, the Recovery and Resilience Facility established by Regulation (EU) 2021/241 of the European Parliament and of the Council <sup>(18)</sup>, the European Globalisation Adjustment Fund for Displaced Workers established by Regulation (EU) 2021/691 of the European Parliament and of the Council <sup>(19)</sup>, the EMFAF, Erasmus+, the AMIF, Horizon Europe, the EAFRD, the Digital Europe Programme established by Regulation (EU) 2021/694 of the European Parliament and of the Council <sup>(20)</sup>, InvestEU Programme, the Creative Europe Programme established by Regulation (EU) 2021/818 of the European Parliament and of the Council <sup>(21)</sup>, the European Solidarity Corps established by Regulation (EU) 2021/888 of the European Parliament and of the Council <sup>(22)</sup>, and the Technical Support Instrument established by Regulation (EU) 2021/240 of the European Parliament and of the Council <sup>(23)</sup>.

In particular, the Commission and Member States should ensure, in all stages of the process, effective coordination in order to safeguard the consistency, coherence, complementarity and synergy among sources of funding, including technical assistance thereof.

- (23) By supporting the specific objectives set out in this Regulation, inter alia, by contributing to the policy objective 'a more social and inclusive Europe implementing the European Pillar of Social Rights' as referred to in Regulation (EU) 2021/1060, the ESF+ will continue to contribute to territorial and local development strategies in order to implement the Pillar. It will support the tools set out in Article 28 of that Regulation and thereby also contribute to the delivery of the policy objective 'a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives' as referred to in Regulation (EU) 2021/1060, including through poverty reduction and social inclusion measures, taking into account the specificities of urban, rural and coastal regions in view of tackling the socio-economic inequalities in cities and regions.
- (24) In order to ensure that the social dimension of Europe, as set out in the Pillar, is duly put forward and that a minimum amount of resources is targeting those that are most in need, Member States should allocate at least 25 % of their resources of the ESF+ strand under shared management to foster social inclusion.

<sup>(17)</sup> Regulation (EU) 2021/522 of the European Parliament and of the Council of 24 March 2021 establishing a Programme for the Union's action in the field of health ('EU4Health Programme') for the period 2021-2027, and repealing Regulation (EU) No 282/2014 (OJ L 107, 26.3.2021, p. 1).

<sup>(18)</sup> Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 establishing the Recovery and Resilience Facility (OJ L 57, 18.2.2021, p. 17).

<sup>(19)</sup> Regulation (EU) 2021/691 of the European Parliament and of the Council of 28 April 2021 on the European Globalisation Adjustment Fund for Displaced Workers (EGF) and repealing Regulation (EU) No 1309/2013 (OJ L 153, 3.5.2021, p. 48).

<sup>(20)</sup> Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).

<sup>(21)</sup> Regulation (EU) 2021/818 of the European Parliament and of the Council of 20 May 2021 establishing the Creative Europe Programme (2021 to 2027) and repealing Regulation (EU) No 1295/2013 (OJ L 189, 28.5.2021, p. 34).

<sup>(22)</sup> Regulation (EU) 2021/888 of the European Parliament and of the Council of 20 May 2021 establishing the European Solidarity Corps Programme and repealing Regulations (EU) 2018/1475 and (EU) No 375/2014 (OJ L 202, 8.6.2021, p. 32).

<sup>(23)</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).

- (25) In order to address the persistently high level of child poverty in the Union, and in line with principle 11 of the Pillar, which states that children have the right to protection from poverty and that children from disadvantaged backgrounds have the right to specific measures to enhance equal opportunities, Member States should programme an appropriate amount of their resources of the ESF+ strand under shared management for the implementation of the Child Guarantee for activities addressing child poverty in line with the specific objectives of the ESF+ that allow for programming resources towards actions directly supporting children's equal access to childcare, education, healthcare, decent housing and adequate nutrition. Member States that had an average rate above the Union average of children of less than 18 years old at risk of poverty or social exclusion for the period between 2017 and 2019, on the basis of Eurostat data, should allocate at least 5 % of their resources of the ESF+ strand under shared management to those activities. Operations contributing to this thematic concentration requirement should count towards the 25 % of thematic concentration requirement for social inclusion when programmed under the relevant specific objectives.
- (26) In order to facilitate an inclusive economic recovery after a major crisis and to support youth employment in a changing world of work and in light of persistently high levels of youth unemployment and inactivity in a number of Member States and regions, it is necessary that Member States invest an appropriate amount of their ESF+ resources in measures to support youth employment and skills, including through the implementation of schemes under the Youth Guarantee. Building on the actions supported by the Youth Employment Initiative in the 2014 to 2020 programming period under Regulation (EU) No 1304/2013 of the European Parliament and of the Council <sup>(24)</sup>, which target individuals and on the lessons learnt, Member States should further promote quality employment and education reintegration pathways and invest in early prevention and effective outreach by prioritising, where relevant, long-term unemployed, inactive and disadvantaged young people including through youth work. Member States should also invest in measures aiming to facilitate the transition from school to work as well as adequate capacities of employment services to provide tailor-made and holistic support and better-targeted offers to young people. By fully integrating the Youth Employment Initiative into the ESF+, the delivery of targeted actions for youth employment will be more effective and efficient and the scope will be extended to structural measures and reforms, thus ensuring a better match between support from Union funding and the implementation of the reinforced Youth Guarantee.

Upgrading of skills and acquiring new and different skills should help young people seize the opportunities of growing sectors and prepare them for the changing nature of work, while harnessing the opportunities arising from the digital and green transitions and the transformation of the Union industrial ecosystems. Therefore, Member States that had an average rate above the Union average of young people of 15 to 29 years of age who are not in employment, education or training for the period between 2017 and 2019, on the basis of Eurostat data, should allocate at least 12,5 % of their resources of the ESF+ strand under shared management to those actions.

- (27) In accordance with Article 349 TFEU and Article 2 of Protocol No 6 on special provisions for Objective 6 in the framework of the Structural Funds in Finland, Norway and Sweden annexed to the 1994 Act of Accession <sup>(25)</sup>, the outermost regions and the northern sparsely populated regions are entitled to specific measures under common policies and Union programmes. Due to the permanent constraints, such as depopulation, those regions require specific support.
- (28) Efficient and effective implementation of actions supported by the ESF+ depends on good governance and partnership between all actors at the relevant territorial levels and the socio-economic actors, in particular the social partners and civil society organisations. It is therefore essential that Member States allocate an appropriate amount of their resources of the ESF+ strand under shared management to ensure meaningful participation of the social partners and civil society organisations in the implementation of the ESF+ strand under shared management. That participation should include relevant bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, the rights of persons with disabilities, gender equality and non-discrimination. Member States with a country-specific recommendation on capacity building of the social partners or civil society organisations should allocate at least 0,25 % of their resources of the ESF+ strand under shared management for that purpose due to the specific needs they have in that area.

<sup>(24)</sup> Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470).

<sup>(25)</sup> OJ C 241, 29.8.1994, p. 9.

- (29) With a view to rendering policies more responsive to social change as well as to encouraging and supporting innovative solutions, support for social innovation is crucial. In particular, testing and evaluating innovative solutions before scaling them up is instrumental in improving the efficiency of the policies and thus specific support from the ESF+ is justified. Social economy enterprises could play a key role in delivering on social innovation and contributing to economic and social resilience. The definition of a social economy enterprise should be in line with the definitions provided in national law and the Council conclusions of 7 December 2015 on the promotion of the social economy as a key driver of economic and social development in Europe. Moreover, with a view to enhancing mutual learning and exchange of knowledge and practices, Member States should be encouraged to continue their transnational cooperation actions under shared management in the areas of employment, education and training, and social inclusion in line with the specific objectives of the ESF+.
- (30) Member States and the Commission should ensure that the ESF+ contributes to the promotion of equality between women and men in accordance with Article 8 TFEU to foster equality of treatment and opportunities between women and men in all areas, including participation in the labour market, terms and conditions of employment and career progression. They should also ensure that the ESF+ promotes equal opportunities for all, without discrimination in accordance with Article 10 TFEU, promotes the inclusion in society of persons with disabilities on equal basis with others and contributes to the implementation of the UN Convention on the Rights of Persons with Disabilities adopted on 13 December 2006 in New York. The ESF+ should contribute to the promotion of accessibility for persons with disabilities with a view to improving integration into employment, education and training, thereby enhancing their inclusion in all spheres of life. The promotion of such accessibility should be taken into account in all dimensions and in all stages of the preparation, monitoring, implementation and evaluation of programmes, in a timely and consistent manner while ensuring that specific actions are taken to promote gender equality and equal opportunities. The ESF+ should also promote the transition from residential or institutional care to family- and community-based care, in particular for those who face multiple discrimination. The ESF+ should not support any action that contributes to segregation or to social exclusion. Regulation (EU) 2021/1060 provides that rules on eligibility of expenditure are to be established at national level, with certain exceptions for which it is necessary to lay down specific provisions with regard to the ESF+ strand under shared management.
- (31) All operations should be selected and implemented respecting the Charter of Fundamental Rights of the European Union (the 'Charter'). The Commission should do its utmost to ensure that complaints are assessed in a timely manner, including complaints related to infringements of the Charter, and should inform the complainant of the result of the assessment in line with the Commission communication of 19 January 2017 entitled 'EU law: Better results through better application'.
- (32) In order to reduce the administrative burden for the collection of data, reporting requirements should be kept as simple as possible. Where data are available in registers or equivalent sources, Member States should be able to allow managing authorities to collect data from registers.
- (33) With regard to the processing of personal data within the framework of this Regulation, national data controllers should carry out their tasks for the purposes of this Regulation in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council <sup>(26)</sup>. The dignity of and respect for the privacy of end recipients of operations under the specific objective 'addressing material deprivation through food and/or basic material assistance to the most deprived persons, including children, and providing accompanying measures supporting their social inclusion' should be guaranteed. In order to avoid any stigmatisation, the persons receiving food and/or basic material assistance should not be required to identify themselves when receiving the support and when taking part in surveys on the most deprived persons who have benefitted from the ESF+.

<sup>(26)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (34) Social experimentation is a small-scale project testing which allows gathering of evidence on the feasibility of social innovations. It should be possible and encouraged for ideas to be tested at local level and for those ideas that are feasible to be pursued on a wider scale, where appropriate, or transferred to other contexts in different regions or Member States with financial support from the ESF+ or in combination with other sources.
- (35) The ESF+ lays down provisions intended to achieve freedom of movement for workers on a non-discriminatory basis by ensuring close cooperation of the public employment services of Member States, the Commission and the social partners. The European network of employment services should promote better functioning of the labour markets by facilitating the cross-border mobility of workers, in particular through cross-border partnerships, and a greater transparency of information on the labour markets. The scope of the ESF+ should include developing and supporting targeted mobility schemes with a view to filling vacancies where labour market shortcomings have been identified.
- (36) The lack of access to finance of microenterprises, social enterprises and social economy is one of the main obstacles to business creation, especially among people furthest from the labour market. Under the EaSI strand, this Regulation should lay down provisions in order to create a market ecosystem to increase the supply of and access to finance for social enterprises as well as to meet demand from those who need it most, and, in particular, the unemployed, women and vulnerable people who wish to start up or develop a microenterprise. That objective will also be addressed through financial instruments and budgetary guarantees under the social investment and skills policy window of the InvestEU Fund. Social economy enterprises, where they are defined under national law, should be regarded as social enterprises within the context of the EaSI strand, regardless of their legal status, insofar as those enterprises fall within the definition of a social enterprise provided for in this Regulation.
- (37) Social investment market players, including philanthropic actors, could play a key role in achieving several ESF+ objectives, as they offer financing as well as innovative and complementary approaches to combatting social exclusion and poverty, reducing unemployment and contributing to the SDGs. Therefore, philanthropic actors such as foundations and donors should be involved in ESF+ actions, as appropriate and provided that they do not have a political or social agenda that is in conflict with Union ideals, in particular in those actions that aim to develop the social investment market ecosystem.
- (38) Guidance under the EaSI strand is needed with regard to the development of social infrastructures and related services, in particular for social housing, childcare and education, healthcare and long-term care, including facilities to assist transitions from institutional- to family- and community-based care services and taking into account accessibility requirements for persons with disabilities.
- (39) Reflecting the importance of tackling climate change in line with the Union's commitments to implement the Paris Agreement, adopted under the UN Framework Convention on Climate Change <sup>(27)</sup>, and the SDGs, this Regulation will contribute to mainstream climate actions and to the achievement of an overall target of 30 % of Union budget expenditure supporting climate objectives. Relevant actions will be identified during the preparation and implementation, and reassessed in the context of the mid-term evaluation.
- (40) Pursuant to Council Decision 2013/755/EU <sup>(28)</sup>, persons and entities established in overseas countries and territories are to be eligible for funding subject to the rules and objectives of the EaSI strand and arrangements applicable to the Member State to which the relevant overseas countries and territories are linked.
- (41) Third countries which are members of the European Economic Area may participate in Union programmes in the framework of the cooperation established under the Agreement on the European Economic Area <sup>(29)</sup>, which provides for the implementation of the programmes on the basis of 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 requiring third countries to grant the necessary rights and access required for the authorising officer responsible, the European Anti-Fraud Office (OLAF) and the Court of Auditors to comprehensively exercise their respective competences.

<sup>(27)</sup> OJ L 282, 19.10.2016, p. 4.

<sup>(28)</sup> 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).

<sup>(29)</sup> OJ L 1, 3.1.1994, p. 3.

- (42) It is appropriate to lay down indicators for the purposes of reporting under the EaSI strand. Those indicators should be output-based, objective, easy to retrieve, and proportionate to the share of the EaSI strand within the entire ESF+. They should cover the operational objectives and funding activities under the EaSI strand, without requiring the setting of corresponding targets.
- (43) In accordance with the Financial Regulation, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(30)</sup> and Council Regulations (EC, Euratom) No 2988/95 <sup>(31)</sup>, (Euratom, EC) No 2185/96 <sup>(32)</sup> and (EU) 2017/1939 <sup>(33)</sup>, the financial interests of the Union are to be protected by means of proportionate measures, including measures relating to the prevention, detection, correction and investigation of irregularities, including fraud, to the recovery of funds lost, wrongly paid or incorrectly used. In particular, in accordance with Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013, OLAF has the power to carry out administrative investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.

The European Public Prosecutor's Office (EPPO) is empowered, in accordance with Regulation (EU) 2017/1939, to investigate and prosecute criminal offences affecting the financial interests of the Union, as provided for in Directive (EU) 2017/1371 of the European Parliament and of the Council <sup>(34)</sup>. In accordance with the Financial Regulation, any person or entity receiving Union funds is to fully cooperate in the protection of the financial interests of the Union, grant the necessary rights and access to the Commission, OLAF, the Court of Auditors and, in respect of those Member States participating in enhanced cooperation, pursuant to Regulation (EU) 2017/1939, the EPPO and ensure that any third parties involved in the implementation of Union funds grant equivalent rights.

- (44) Horizontal financial rules adopted by the European Parliament and the Council on the basis of Article 322 TFEU apply to this Regulation. Those rules are laid down in the Financial Regulation and determine in particular the procedure for establishing and implementing the budget through grants, prizes, procurement, indirect management, and provide for checks on the responsibility of financial actors. Rules adopted on the basis of Article 322 TFEU also include a general regime of conditionality for the protection of the Union budget.
- (45) Since the objectives of this Regulation, namely enhancing the effectiveness of labour markets, promoting equal access to quality employment, improving equal access to, and the quality of, education and training, promoting social inclusion and contributing to the eradication of poverty, as well as the objectives pursued under the EaSI strand cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (46) In order to amend certain non-essential elements of this Regulation, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending and supplementing the annexes on the indicators. 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 of 13 April 2016 on Better Law-Making <sup>(35)</sup>. In particular,

<sup>(30)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

<sup>(31)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>(32)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>(33)</sup> Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

<sup>(34)</sup> 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).

<sup>(35)</sup> OJ L 123, 12.5.2016, p. 1.

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.

- (47) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. The implementing powers relating to the model for the structured survey of end recipients should be exercised in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011 of European Parliament and of the Council <sup>(36)</sup> given the nature of this model.
- (48) In order to allow for a rapid response to exceptional or unusual circumstances, as referred to in the Stability and Growth Pact, that may arise during the programming period, implementing powers should be conferred on the Commission to adopt temporary measures to facilitate the use of support from the ESF+ in response to such circumstances, with a maximum time limit of 18 months. The Commission should adopt the measures that are most appropriate in light of the exceptional or unusual circumstances that a Member State is facing while preserving the objectives of the ESF+, but this should not include amendments to the thematic concentration requirements. Furthermore, the implementing powers in relation to the temporary measures for the use of support from the ESF+ in response to exceptional or unusual circumstances should be conferred on the Commission without committee procedures, given that the scope of application of those measures is determined by the Stability and Growth Pact and is limited to the measures set out in this Regulation. The Commission should also monitor the implementation and assess the appropriateness of the temporary measures. Where the Commission deems it to be necessary to amend this Regulation due to the exceptional or unusual circumstances, the scope of the amendment should not include the thematic concentration requirements related to youth employment nor support for the most deprived persons due to the fact that young people and the most deprived persons are often most adversely affected by such crisis situations. Therefore it is necessary to ensure that those target groups continue to receive an adequate amount of support.
- (49) In the administration of the ESF+, the Commission should be assisted by a Committee as referred to in Article 163 TFEU (the 'ESF+ Committee'). In order to enable the ESF+ Committee to have all the necessary information at its disposal and obtain a wide range of views of relevant stakeholders, the ESF+ Committee should be able to invite representatives without a voting right provided that the agenda of the meeting requires their participation, including representatives of the European Investment Bank and the European Investment Fund and relevant civil society organisations.
- (50) In order to ensure that the specificities of each ESF+ strand continue to be addressed, the ESF+ Committee should establish working groups for each ESF+ strand. Composition and tasks of those working groups are to be established by the ESF+ Committee. The working groups should have the possibility to invite civil society representatives as well as other stakeholders to their meetings. The tasks of the working groups may include ensuring coordination and cooperation between Member State authorities and the Commission on the implementation of the ESF+, including consultation on the work programme of the EaSI strand, monitoring the implementation of each ESF+ strand, exchanging experience and good practice within and across the ESF+ strands and fostering potential synergies with other Union programmes.
- (51) In order to ensure a greater transparency regarding the implementation of this Regulation, the Commission should establish the necessary links with relevant policy committees active in the social and employment field, such as the Employment Committee, the Social Protection Committee or the Advisory Committee on Safety and Health at Work.
- (52) In accordance with Article 193(2) of the Financial Regulation, a grant may be awarded for an action which has already begun, provided that the applicant can demonstrate the need for starting the action prior to the signature of the grant agreement. However, the costs incurred prior to the date of submission of the grant application are not

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<sup>(36)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

eligible, except in duly justified exceptional cases. In order to avoid any disruption in Union support which could be prejudicial to Union's interests, it should be possible to provide in the financing decision, during a limited period of time at the beginning of the multiannual financial framework 2021 to 2027, and only in duly justified cases, for eligibility of activities and costs from the beginning of the 2021 financial year, even if they were implemented and incurred before the grant application was submitted.

- (53) Regulation (EU) No 1296/2013 should therefore be repealed.
- (54) In order to ensure continuity in providing support in the relevant policy area and to allow implementation as of the beginning of the multiannual financial framework 2021 to 2027, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* and should apply, with retroactive effect with regard to the EaSI strand, from 1 January 2021,

HAVE ADOPTED THIS REGULATION:

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## PART I

## GENERAL PROVISIONS

## Article 1

**Subject matter**

This Regulation establishes the European Social Fund Plus (ESF+), which consists of two strands: the strand under shared management (the 'ESF+ strand under shared management') and the Employment and Social Innovation strand (the 'EaSI strand').

This Regulation lays down the objectives of the ESF+, its budget for the period 2021 to 2027, the methods of implementation, the forms of Union funding and the rules for providing such funding.

## Article 2

**Definitions**

1. For the purposes of this Regulation, the following definitions apply:
  - (1) 'lifelong learning' means learning in all its forms, namely, formal, non-formal and informal learning, that takes place at all stages in life and results in an improvement or an update in knowledge, skills, competences and attitudes or in participation in society in a personal, civic, cultural, social or employment-related perspective, including the provision of counselling and guidance services, including early childhood education and care, general education, vocational education and training, higher education, adult education, youth work and other learning settings outside formal education and training and it typically promotes cross-sectoral cooperation and flexible learning pathways;
  - (2) 'third-country national' means a person who is not a citizen of the Union, including stateless persons and persons with an undetermined nationality;
  - (3) 'basic material assistance' means goods which fulfil the basic needs of a person for a life with dignity, such as clothing, hygiene goods, including feminine hygiene products, and school material;
  - (4) 'disadvantaged group' means a group of people in vulnerable situations, including people experiencing or at risk of poverty, social exclusion or discrimination in its multiple dimensions;
  - (5) 'key competences' means the knowledge, skills and competences all individuals need, at any stage of their lives, for their personal fulfilment and development, employment, social inclusion and active citizenship, namely, literacy; multilingualism; mathematics, science, technology, arts and engineering; digital skills; media skills; personal, social and learning to learn skills; active citizenship skills; entrepreneurship; cultural and intercultural awareness and expression; and critical thinking;
  - (6) 'most deprived persons' means natural persons, whether individuals, families, households or groups of persons, including children in vulnerable situations and homeless people, whose need for assistance has been established according to the objective criteria which are set by the national competent authorities in consultation with relevant stakeholders while avoiding conflicts of interest, and which may include elements that allow for the targeting of the most deprived persons in certain geographical areas;
  - (7) 'end recipients' means the most deprived persons receiving the support as laid down in Article 4(1), point (m);
  - (8) 'social innovation' means an activity, that is social both as to its ends and its means and in particular an activity which relates to the development and implementation of new ideas concerning products, services, practices and models, that simultaneously meets social needs and creates new social relationships or collaborations between public, civil society or private organisations, thereby benefiting society and boosting its capacity to act;

- (9) 'accompanying measure' means an activity provided in addition to the distribution of food and/or basic material assistance with the aim of addressing social exclusion and contributing to the eradication of poverty, such as referrals to or providing social and health services, including psychological support, or providing relevant information on public services or advice on managing a household budget;
- (10) 'social experimentation' means a policy intervention that aims to provide an innovative response to social needs, implemented on a small scale and in conditions that enable its impact to be measured, prior to being implemented in other contexts including geographical and sectorial ones, or implemented on a larger scale, if the results prove to be positive;
- (11) 'cross-border partnership' means a structure of cooperation between public employment services, the social partners or civil society located in at least two Member States;
- (12) 'microenterprise' means an enterprise with fewer than 10 employees and an annual turnover or balance sheet below EUR 2 000 000;
- (13) 'social enterprise' means an undertaking, regardless of its legal form, including social economy enterprises, or a natural person which:
- (a) in accordance with its articles of association, statutes or with any other legal document that may result in liability under the rules of the Member State where a social enterprise is located, has the achievement of measurable, positive social impacts, which may include environmental impacts, as its primary social objective rather than the generation of profit for other purposes, and which provides services or goods that generate a social return or employs methods of production of goods or services that embody social objectives;
  - (b) uses its profits first and foremost to achieve its primary social objective, and has predefined procedures and rules that ensure that the distribution of profits does not undermine the primary social objective;
  - (c) is managed in an entrepreneurial, participatory, accountable and transparent manner, in particular by involving workers, customers and stakeholders on whom its business activities have an impact;
- (14) 'reference value' means a value which is used to set targets for common and programme specific result indicators and based on existing or previous, similar interventions;
- (15) 'cost of purchasing food and/or basic material assistance' means the actual costs which are linked to the purchase of food and/or basic material assistance by the beneficiary and are not limited to the price of the food and/or basic material assistance;
- (16) 'microfinance' includes guarantees, microcredit, equity and quasi-equity, coupled with accompanying business development services such as those provided in the form of individual counselling, training and mentoring, extended to persons and microenterprises that experience difficulties accessing credit for the purpose of professional and revenue-generating activities;
- (17) 'blending operation' means an action supported by the Union budget, including within a blending facility or platform as defined in Article 2, point (6), of the Financial Regulation, combining non-repayable forms of support or financial instruments from the Union budget with repayable forms of support from development or other public finance institutions, as well as from commercial finance institutions and investors;
- (18) 'legal entity' means a natural person, or a legal person created and recognised as such under Union, national, or international law, which has legal personality and the capacity to act in its own name, exercise rights and be subject to obligations, or an entity which does not have legal personality as referred to in Article 197(2), point (c), of the Financial Regulation;
- (19) 'common immediate result indicator' means a common result indicator which captures effects within four weeks from the day on which the participant has left the operation;
- (20) 'common longer-term result indicator' means a common result indicator which captures effects six months after the participant has left the operation.

2. The definitions set out in Article 2 of Regulation (EU) 2021/1060 also apply to the ESF+ strand under shared management.

*Article 3***General objectives of the ESF+ and methods of implementation**

1. The ESF+ aims to support Member States and regions to achieve high employment levels, fair social protection and a skilled and resilient workforce ready for the future world of work, as well as inclusive and cohesive societies aiming to eradicating poverty and delivering on the principles set out in the European Pillar of Social Rights.
2. The ESF+ shall support, complement and add value to the policies of Member States to ensure equal opportunities, equal access to the labour market, fair and quality working conditions, social protection and inclusion, in particular focussing on quality and inclusive education and training, lifelong learning, investment in children and young people and access to basic services.
3. The ESF+ shall be implemented:
  - (a) under shared management, for the part of the assistance which corresponds to the specific objectives set out in Article 4(1) (ESF+ strand under shared management); and
  - (b) under direct and indirect management, for the part of the assistance which corresponds to the objectives set out in Article 4(1) and Article 25 (EaSI strand).

*Article 4***Specific objectives of the ESF+**

1. The ESF+ shall support the following specific objectives in the policy areas of employment and labour mobility, education, social inclusion, including contributing to poverty eradication, and thereby also contributing to the policy objective 'a more social and inclusive Europe implementing the European Pillar of Social Rights' referred to in Article 5, point (d), of Regulation (EU) 2021/1060:
  - (a) improving access to employment and activation measures for all jobseekers, in particular young people, especially through the implementation of the Youth Guarantee, for long-term unemployed and disadvantaged groups on the labour market, and for inactive people, as well as through the promotion of self-employment and the social economy;
  - (b) modernising labour market institutions and services to assess and anticipate skills needs and ensure timely and tailor-made assistance and support for labour market matching, transitions and mobility;
  - (c) promoting a gender-balanced labour market participation, equal working conditions, and a better work-life balance including through access to affordable childcare, and care for dependent persons;
  - (d) promoting the adaptation of workers, enterprises and entrepreneurs to change, active and healthy ageing and a healthy and well-adapted working environment that addresses health risks;
  - (e) improving the quality, inclusiveness, effectiveness and labour market relevance of education and training systems including through validation of non-formal and informal learning, to support acquisition of key competences including entrepreneurial and digital skills, and by promoting the introduction of dual-training systems and apprenticeships;
  - (f) promoting equal access to and completion of quality and inclusive education and training, in particular for disadvantaged groups, from early childhood education and care through general and vocational education and training, to tertiary level, as well as adult education and learning, including facilitating learning mobility for all and accessibility for persons with disabilities;
  - (g) promoting lifelong learning, in particular flexible upskilling and reskilling opportunities for all taking into account entrepreneurial and digital skills, better anticipating change and new skills requirements based on labour market needs, facilitating career transitions and promoting professional mobility;
  - (h) fostering active inclusion with a view to promoting equal opportunities, non-discrimination and active participation, and improving employability, in particular for disadvantaged groups;

- (i) promoting socio-economic integration of third-country nationals, including migrants;
- (j) promoting the socio-economic integration of marginalised communities, such as Roma people;
- (k) enhancing equal and timely access to quality, sustainable and affordable services, including services that promote the access to housing and person-centred care including healthcare; modernising social protection systems, including promoting access to social protection, with a particular focus on children and disadvantaged groups; improving accessibility including for persons with disabilities, effectiveness and resilience of healthcare systems and long-term care services;
- (l) promoting social integration of people at risk of poverty or social exclusion, including the most deprived persons and children;
- (m) addressing material deprivation through food and/or basic material assistance to the most deprived persons, including children, and providing accompanying measures supporting their social inclusion.

2. Through the actions implemented under the ESF+ strand under shared management to achieve the specific objectives referred to in paragraph 1 of this Article, the ESF+ shall aim to contribute to the other policy objectives listed in Article 5 of Regulation (EU) 2021/1060, in particular the objectives related to:

- (a) a smarter Europe through the development of skills for smart specialisation, skills for key enabling technologies, industrial transition, sectorial cooperation on skills and entrepreneurship, the training of researchers, networking activities and partnerships between higher education institutions, vocational and educational training institutions, research and technological centres and enterprises and clusters, and support for micro, small and medium-sized enterprises and the social economy;
- (b) a greener, low carbon Europe through the improvement of education and training systems necessary for the adaptation of skills and qualifications, the upskilling of all, including the labour force, the creation of new jobs in sectors related to the environment, climate, energy, the circular economy and the bioeconomy.

3. Where strictly necessary as a temporary measure to respond to exceptional or unusual circumstances as referred to in Article 20 of Regulation (EU) 2021/1060, and limited to a period of 18 months, the ESF+ may support:

- (a) the financing of short-time work schemes without the requirement that they be combined with active measures;
- (b) access to healthcare including for people who are not in imminent socio-economic vulnerability.

4. Where, upon a request submitted by the Member States concerned, the Commission finds that the conditions laid down in paragraph 3 are fulfilled, it shall adopt an implementing decision specifying the period during which the temporary additional support from the ESF+ is authorised.

5. The Commission shall monitor the implementation of paragraph 3 of this Article and assess whether the temporary additional support from ESF+ is sufficient to facilitate the use of support from the ESF+ in response to the exceptional or unusual circumstances. On the basis of its assessment, the Commission shall, where appropriate, make proposals for amendments to this Regulation, including on the thematic concentration requirements set out in Article 7, except the thematic concentration requirement as specified in Article 7(5) and (6).

#### Article 5

#### Budget

1. The financial envelope for the implementation of the ESF+ for the period 2021 to 2027 shall be EUR 87 995 063 417, in 2018 prices.

2. The part of the financial envelope for the implementation of the ESF+ strand under shared management to contribute to the investment for jobs and growth goal in Member States and regions as referred to Article 5(2), point (a), of Regulation (EU) 2021/1060 shall be EUR 87 319 331 844, in 2018 prices, of which EUR 175 000 000 shall be allocated for transnational cooperation to accelerate the transfer, and facilitate the scaling up, of innovative solutions as referred to in Article 25, point (i), of this Regulation and EUR 472 980 447, in 2018 prices, as additional funding to the outermost regions identified in Article 349 TFEU and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 on special provisions for Objective 6 in the framework of the Structural Funds in Finland, Norway and Sweden annexed to the 1994 Act of Accession (Protocol No 6).

3. The part of the financial envelope for the implementation of the EaSI strand for the period 2021 to 2027 shall be EUR 675 731 573, in 2018 prices.

4. The amount referred to in paragraph 3 may also be used for technical and administrative assistance for the implementation of the EaSI strand, such as preparatory, monitoring, control, audit and evaluation activities including corporate information technology systems.

#### *Article 6*

### **Gender equality, equal opportunities and non-discrimination**

Member States and the Commission shall support specific targeted actions to promote the horizontal principles referred to in Article 9(2) and (3) of Regulation (EU) 2021/1060 and Article 28 of this Regulation that fall within any of the objectives of the ESF+. Those actions may include actions for ensuring accessibility for persons with disabilities, including in terms of information and communication technologies, and promoting the transition from residential or institutional care to family and community-based care.

Through the ESF+, Member States and the Commission shall aim to increase the participation of women in employment as well as conciliation between working and personal life, combat the feminisation of poverty and gender discrimination in the labour market and in education and training.

## PART II

### **IMPLEMENTATION UNDER SHARED MANAGEMENT**

#### *CHAPTER I*

#### ***Common provisions on programming***

#### *Article 7*

### **Consistency and thematic concentration**

1. Member States shall programme their resources of the ESF+ strand under shared management by prioritising interventions that address the challenges identified in the European Semester, including in their national reform programmes as well as in the relevant country-specific recommendations adopted in accordance with Article 121(2) and Article 148(4) TFEU, and take into account the principles and rights set out in the European Pillar of Social Rights and the national and regional strategies relevant for ESF+ objectives, thereby contributing to the goals set out in Article 174 TFEU.

Member States and, where appropriate, the Commission shall foster synergies and ensure coordination, complementarity and coherence between the ESF+ and other Union funds, programmes and instruments, both in the planning phase and during implementation. Member States and, where appropriate, the Commission shall optimise mechanisms for coordination to avoid duplication of efforts and ensure close cooperation between entities responsible for implementation to deliver coherent and streamlined support actions.

2. Member States shall allocate an appropriate amount of their resources of the ESF+ strand under shared management to address challenges identified in relevant country-specific recommendations adopted in accordance with Article 121(2) and Article 148(4) TFEU and in the European Semester falling within the scope of the specific objectives of the ESF+ set out in Article 4(1) of this Regulation.

3. Member States shall allocate an appropriate amount of their resources of the ESF+ strand under shared management for the implementation of the Child Guarantee through targeted actions and structural reforms to tackle child poverty under the specific objectives set out in Article 4(1), points (f) and (h) to (l).

Member States that had an average rate above the Union average of children of less than 18 years old at risk of poverty or social exclusion for the period between 2017 and 2019, on the basis of Eurostat data, shall allocate at least 5 % of their resources of the ESF+ strand under shared management to support targeted actions and structural reforms to tackle child poverty as set out in the first subparagraph.

4. Member States shall allocate at least 25 % of their resources of the ESF+ strand under shared management to the specific objectives for the social inclusion policy area set out in Article 4(1), points (h) to (l), including the promotion of the socio-economic integration of third-country nationals.

5. Member States shall allocate at least 3 % of their resources of the ESF+ strand under shared management to support the most deprived persons under the specific objective set out in Article 4(1), point (m), or, in duly justified cases, either the specific objective set out in Article 4(1), point (l), or both of those specific objectives.

The resources shall not be taken into account for verifying compliance with the minimum allocations set out in paragraphs 3 and 4.

6. Member States shall allocate an appropriate amount of their resources of the ESF+ strand under shared management to targeted actions and structural reforms to support youth employment, vocational education and training, in particular apprenticeships, and the transition from school to work, pathways to reintegrate into education or training and second chance education, in particular in the context of implementing schemes under the Youth Guarantee.

Member States that had an average rate above the Union average of young people of 15 to 29 years of age who are not in employment, education or training for the period between 2017 and 2019, on the basis of Eurostat data, shall allocate at least 12,5 % of their resources of the ESF+ strand under shared management for the years 2021 to 2027 to support the targeted actions and structural reforms as set out in the first subparagraph.

Outermost regions fulfilling the conditions set out in the second subparagraph shall allocate at least 12,5 % of their resources of the ESF+ strand under shared management in their programmes to the targeted actions and structural reforms as set out in the first subparagraph. This allocation shall be taken into account for verifying compliance with the minimum percentage at national level set out in the second subparagraph when applicable.

When implementing targeted actions and structural reforms referred to in this paragraph, Member States shall give priority to inactive and long-term unemployed young people and put in place targeted outreach measures.

7. Paragraphs 2 to 6 of this Article shall not apply to the specific additional allocation received by the outermost regions and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6.

8. Paragraphs 1 to 6 shall not apply to technical assistance.

#### *Article 8*

#### **Respect for the Charter**

1. All operations shall be selected and implemented while respecting the Charter of Fundamental Rights of the European Union (the 'Charter') and in accordance with the relevant provisions of Regulation (EU) 2021/1060.

2. In accordance with Article 69(7) of Regulation (EU) 2021/1060, Member States shall ensure the effective examination of complaints. This is without prejudice to the general possibility of citizens and stakeholders to address complaints to the Commission, including with regard to infringements of the Charter.

3. Where the Commission finds that there has been an infringement of the Charter, the Commission shall take into account the gravity of the infringement in its determination of the corrective measures to be applied in line with the relevant provisions of Regulation (EU) 2021/1060.

#### *Article 9*

### **Partnership**

1. Member States shall ensure meaningful participation of the social partners and civil society organisations in the delivery of employment, education and social inclusion policies supported by the ESF+ strand under shared management.

2. Member States shall allocate an appropriate amount of their resources of the ESF+ strand under shared management in each programme to capacity building of the social partners and civil society organisations, including in the form of training, networking measures, and strengthening of the social dialogue, and to activities jointly undertaken by the social partners.

Where capacity building of the social partners and civil society organisations is identified by a relevant country-specific recommendation adopted in accordance with Article 121(2) and Article 148(4) TFEU, the Member State concerned shall allocate an appropriate amount of at least 0,25 % of its resources of the ESF+ strand under shared management for that purpose.

#### *Article 10*

### **Support for the most deprived persons**

The resources referred to in Article 7(5) under specific objectives set out in Article 4(1), points (l) and (m), shall be programmed under a dedicated priority or programme. The co-financing rate for that priority or programme shall be 90 %.

#### *Article 11*

### **Support for youth employment**

Support in accordance with the second and third subparagraphs of Article 7(6) shall be programmed under a dedicated priority or programme and it shall at least include support contributing to the specific objective set out in Article 4(1), point (a), and may include support contributing to the specific objectives set out in Article 4(1), points (f) and (l).

#### *Article 12*

### **Support for relevant country-specific recommendations**

The actions addressing the challenges identified in relevant country-specific recommendations and in the European Semester as referred to in Article 7(2) shall be programmed under any of the specific objectives set out in Article 4(1) to support the implementation of the European Pillar of Social Rights and under one or more priorities, which can be a multi-fund priority.

## CHAPTER II

**General support from the ESF+ strand under shared management**

## Article 13

**Scope**

This Chapter applies to support from the ESF+ strand under shared management contributing to specific objectives set out in Article 4(1), points (a) to (l) (general support from the ESF+ strand under shared management).

## Article 14

**Social innovative actions**

1. Member States shall support actions of social innovation and social experimentation, including actions with a socio-cultural component or strengthening bottom-up approaches based on partnerships involving public authorities, the social partners, social enterprises, the private sector and civil society.
2. Member States may support the scaling up of innovative approaches tested on a small scale and developed under the EaSI strand and other Union programmes.
3. Innovative actions and approaches may be programmed under any of the specific objectives set out in Article 4(1), points (a) to (l).
4. Member States shall dedicate at least one priority to the implementation of paragraph 1 or 2, or both. The maximum co-financing rate for such priorities may be increased to 95 % for a maximum of 5 % of the national resources under the ESF+ strand under shared management.
5. Member States shall identify, either in their programmes or at a later stage during implementation, fields for social innovation and social experimentation that correspond to specific needs of Member States.
6. The Commission shall facilitate capacity building for social innovation, in particular through supporting mutual learning, establishing networks, and disseminating and promoting good practices and methodologies.

## Article 15

**Transnational cooperation**

Member States may support transnational cooperation actions under any of the specific objectives set out in Article 4(1), points (a) to (l).

## Article 16

**Eligibility**

1. In addition to the non-eligible costs referred to in Article 64 of Regulation (EU) 2021/1060, the following costs shall not be eligible for general support from the ESF+ strand under shared management:
  - (a) the purchase of land and real estate as well as infrastructure; and
  - (b) the purchase of furniture, equipment and vehicles, except where such purchase is necessary for achieving the objective of the operation, or those items are fully depreciated during the operation, or the purchase of those items is the most economic option.

2. Contributions in kind in the form of allowances or salaries disbursed by a third party for the benefit of the participants in an operation may be eligible for a contribution from general support from the ESF+ strand under shared management provided that the contributions in kind are incurred in accordance with national rules, including accountancy rules, and do not exceed the cost borne by the third party.
3. The specific additional allocation received by the outermost regions and the NUTS level 2 regions fulfilling the criteria laid down in Article 2 of Protocol No 6 shall be used to support the achievement of the specific objectives set out in Article 4(1).
4. Direct staff costs shall be eligible for a contribution from general support from the ESF+ strand under shared management if they are in line with the beneficiary's usual remuneration practice for the category of function concerned or in line with applicable national law, collective agreements or official statistics.

#### Article 17

### Indicators and reporting

1. Programmes benefitting from general support from the ESF+ strand under shared management shall use common output and result indicators, as set out in Annex I to monitor progress in implementation. The programmes may also use programme-specific indicators.
2. Where a Member State allocates its resources to the specific objective set out in Article 4(1), point (l), to target the most deprived persons, in line with the first subparagraph of Article 7(5), the common indicators as set out in Annex II shall apply.
3. The baseline for common and programme-specific output indicators shall be set at zero. Where relevant to the nature of the operations supported, cumulative quantified milestones and target values of those indicators shall be set in absolute numbers. The reported values of the output indicators shall be expressed in absolute numbers.
4. The reference value of common and programme-specific result indicators for which a target value for 2029 have been set, shall be fixed using the latest available data or other relevant sources of information. Targets for common result indicators shall be fixed in absolute numbers or as a percentage. Programme-specific result indicators and related targets may be expressed in quantitative or qualitative terms. The reported values of common result indicators shall be expressed in absolute numbers.
5. Data on the indicators for participants shall only be transmitted when all data required under point 1.1 of Annex I relating to that participant are available.
6. Where data are available in registers or equivalent sources, Member States may enable the managing authorities and other bodies entrusted with data collection necessary for the monitoring and the evaluation of general support from the ESF+ strand under shared management to obtain data from those registers or equivalent sources, in accordance with Article 6(1), points (c) and (e), of Regulation (EU) 2016/679.
7. The Commission is empowered to adopt delegated acts in accordance with Article 37 to amend the indicators in Annexes I and II where considered necessary to ensure effective assessment of progress in the implementation of programmes. Such amendments shall be proportionate, taking into account the administrative burden borne by Member States and beneficiaries. Delegated acts in accordance with this paragraph shall not change the methodology for data collection as laid down in Annexes I and II.

## CHAPTER III

**ESF+ support for addressing material deprivation**

## Article 18

**Scope**

This Chapter applies to ESF+ support contributing to the specific objective set out in Article 4(1), point (m).

## Article 19

**Principles**

1. The ESF+ support for addressing material deprivation shall be used only to support the distribution of food and goods that are in conformity with the Union law on consumer product safety.
2. Member States and beneficiaries shall choose the food and/or the basic material assistance on the basis of objective criteria related to the needs of the most deprived persons. The selection criteria for the food, and where appropriate for goods, shall also take into consideration climate-related and environmental aspects, in particular with a view to reduction of food waste and single-use plastics. Where appropriate, the choice of the type of food to be distributed shall be made having considered their contribution to the balanced diet of the most deprived persons.

The food and/or basic material assistance may be provided directly to the most deprived persons or indirectly, for example, through vouchers or cards, in electronic or other form, provided that they can be redeemed only against food and/or basic material assistance. Support for the most deprived persons shall be additional to any social benefit that may be provided to end recipients by national social systems or according to national law.

The food provided for the most deprived persons may be obtained from the use, processing or sale of the products disposed of in accordance with Article 16(2) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council <sup>(37)</sup>, provided that this is economically the most favourable option and does not unduly delay the delivery of food to the most deprived persons.

Any amount derived from such a transaction shall be used for the benefit of the most deprived persons, in addition to the amounts already available to the programme.

3. The Commission and Member States shall ensure that aid provided in the framework of the ESF+ support for addressing material deprivation respects the dignity and prevents stigmatisation of the most deprived persons.
4. Member States shall complement the delivery of food and/or basic material assistance by accompanying measures, such as referrals to competent services, under the specific objective set out in Article 4(1), point (m), or by promoting the social integration of the most deprived persons under the specific objective set out in Article 4(1), point (l).

## Article 20

**Content of the priority**

1. A priority concerning support contributing to the specific objective set out in Article 4(1), point (m), shall set out:
  - (a) the type of support;

<sup>(37)</sup> Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (b) the main target groups; and
- (c) a description of the national or regional schemes of support.

2. In the case of programmes limited to support as referred to in paragraph 1 and the related technical assistance, the priority shall also include the criteria for the selection of operations.

#### Article 21

##### Eligibility of operations

1. The food and/or basic material assistance provided to the most deprived persons may be purchased by or on behalf of the beneficiary or made available free of charge to the beneficiary.
2. The food and/or basic material assistance shall be distributed free of charge to the most deprived persons.

#### Article 22

##### Eligibility of expenditure

1. The eligible costs of the ESF+ support for addressing material deprivation shall be:
  - (a) the cost of purchasing food and/or basic material assistance, including costs related to transporting food and/or basic material assistance to the beneficiaries delivering the food and/or basic material assistance to the end recipients;
  - (b) where the transport of the food and/or basic material assistance to the beneficiaries distributing them to the end recipients is not covered by point (a), the costs borne by the purchasing body related to transporting food and/or basic material assistance to the storage depots or the beneficiaries and storage costs at a flat-rate of 1 % of the costs referred to in point (a) or, in duly justified cases, costs actually incurred and paid;
  - (c) the administrative, transport, storage and preparation costs borne by the beneficiaries involved in the distribution of the food and/or basic material assistance to the most deprived persons at a flat-rate of 7 % of the costs referred to in point (a) or 7 % of the costs of the value of the food disposed of in accordance with Article 16 of Regulation (EU) No 1308/2013;
  - (d) the cost of collection, transport, storage and distribution of food donations and directly related awareness raising activities; and
  - (e) the costs of accompanying measures undertaken by or on behalf of beneficiaries and declared by the beneficiaries delivering the food and/or basic material assistance to the most deprived persons at a flat-rate of 7 % of the costs referred to in point (a).
2. Costs for the preparation of voucher or card schemes in electronic or other form, and corresponding operating costs are eligible under technical assistance provided they are borne by the managing authority or another public body which is not a beneficiary that distributes the vouchers or cards to end recipients, or provided they are not covered by the costs set out in of paragraph 1, point (c).
3. A reduction of the eligible costs referred to in paragraph 1, point (a) because the body responsible for the purchase of food and/or basic material assistance did not comply with the applicable law, shall not lead to a reduction of the eligible costs set out in points (c) and (e) of that paragraph.
4. The following costs shall not be eligible:
  - (a) interest on debt;
  - (b) purchase of infrastructure; and
  - (c) costs of second-hand goods.

*Article 23***Indicators and reporting**

1. Priorities addressing material deprivation shall use common output and result indicators, as set out in Annex III to monitor progress in implementation. Those priorities may also use programme-specific indicators.
2. The reference values of common and programme-specific result indicators shall be established.
3. Managing authorities shall report twice to the Commission the results of a structured survey of the end recipients regarding the support received from the ESF+ and also focusing on their living conditions and the nature of their material deprivation, carried out during the previous year. That survey shall be based on the model which shall be established by the Commission by means of an implementing act. The first such reporting shall take place by 30 June 2025 and the second by 30 June 2028.
4. The Commission shall adopt an implementing act establishing the model to be used for the structured survey of end recipients in accordance with the advisory procedure referred to in Article 38(2) in order to ensure uniform conditions for the implementation of this Article.
5. The Commission is empowered to adopt delegated acts in accordance with Article 37 to amend the indicators in Annex III where considered to be necessary to ensure effective assessment of progress in the implementation of programmes. Such amendments shall be proportionate taking into account the administrative burden borne by Member States and beneficiaries. Delegated acts in accordance with this paragraph shall not change the methodology for data collection as laid down in Annex III.

*Article 24***Audit**

Audit of operations may cover all stages of their implementation and all levels of the distribution chain, with the sole exception of control of the end recipients, unless a risk assessment establishes a specific risk of irregularity or fraud.

## PART III

**IMPLEMENTATION UNDER DIRECT AND INDIRECT MANAGEMENT**

## CHAPTER I

***Operational objectives****Article 25***Operational objectives**

The EaSI strand shall have the following operational objectives:

- (a) to develop high-quality comparative analytical knowledge in order to ensure that policies to achieve the specific objectives set out in Article 4(1) are based on sound evidence and are relevant to needs, challenges and local conditions;
- (b) to facilitate effective and inclusive information sharing, mutual learning, peer reviews and dialogue on policies in the policy areas set out in Article 4(1) in order to assist the design of appropriate policy measures;

- (c) to support social experimentation in the policy areas set out in Article 4(1) and build up the stakeholders' capacity at national and local levels to prepare, design and implement, transfer or scale up the tested social policy innovations, in particular with regard to the scaling up of projects developed by local stakeholders in the field of the socio-economic integration of third-country nationals;
- (d) to facilitate the voluntary geographical mobility of workers and increase employment opportunities through developing and providing specific support services to employers and jobseekers with a view to the development of integrated European labour markets, ranging from pre-recruitment preparation to post-placement assistance in order to fill vacancies in certain sectors, professions, countries, border regions or for particular groups, such as people in vulnerable situations;
- (e) to support the development of the market ecosystem around the provision of microfinance to microenterprises in start-up and development phases, in particular those that are created by or employ people in vulnerable situations;
- (f) to support networking at Union level and dialogue with and among relevant stakeholders in the policy areas set out in Article 4(1) and contribute to build up the institutional capacity of involved stakeholders, including the public employment services, public social security and health insurance institutions, civil society, microfinance institutions and institutions providing finance to social enterprises and the social economy;
- (g) to support the development of social enterprises and the emergence of a social investment market, facilitating public and private interactions and the participation of foundations and philanthropic actors in that market;
- (h) to provide guidance for the development of social infrastructure needed for the implementation of the European Pillar of Social Rights;
- (i) to support transnational cooperation in order to accelerate the transfer and facilitate the scaling up, of innovative solutions, in particular for the policy areas set out in Article 4(1); and
- (j) to support the implementation of relevant international social and labour standards in the context of harnessing globalisation and the external dimension of Union policies in the policy areas set out in Article 4(1).

## CHAPTER II

### **Eligibility**

#### Article 26

### **Eligible actions**

1. Only actions pursuing the objectives referred to in Article 3(1) and (2), Article 4(1) and Article 25 shall be eligible for funding.
2. The EaSI strand may support the following actions:
  - (a) analytical activities, including in relation to third countries, in particular:
    - (i) surveys, studies, statistical data, methodologies, classifications, micro-simulations, indicators and support for European-level observatories and benchmarks;
    - (ii) social experimentation evaluating social innovations;
    - (iii) monitoring and assessment of the transposition and application of Union law;
  - (b) policy implementation, in particular:
    - (i) cross-border partnerships, in particular between public employment services, the social partners and civil society, and support services in cross-border regions;
    - (ii) a Union-wide labour-targeted mobility scheme at Union level to fill job vacancies where labour market shortcomings have been identified;

- (iii) support for microfinance institutions and institutions providing finance to social enterprises, including through blending operations such as asymmetric risk sharing or the reduction of transaction costs, as well as support for the development of social infrastructure and skills;
  - (iv) support for transnational cooperation and partnership with a view to transferring and scaling up innovative solutions;
- (c) capacity building, in particular of:
- (i) networks at Union level related to the policy areas set out in Article 4(1);
  - (ii) national contact points providing guidance, information and assistance related to the implementation of the EaSI strand;
  - (iii) the administrations, social security institutions and employment services responsible for promoting labour mobility, of microfinance institutions and institutions providing finance to social enterprises or other social investment actors, as well as networking, in Member States or third countries associated to the EaSI strand pursuant to Article 29;
  - (iv) stakeholders, including the social partners and civil society organisations, in view of transnational cooperation;
- (d) communication and dissemination activities, in particular:
- (i) mutual learning through exchange of good practices, innovative approaches, results of analytical activities, peer reviews, and benchmarking;
  - (ii) guides, reports, informative material and media coverage of initiatives related to the policy areas set out in Article 4(1);
  - (iii) information systems disseminating evidence related to the policy areas set out in Article 4(1);
  - (iv) events of the Presidency of the Council and conferences, seminars and awareness-raising activities.

#### Article 27

#### **Eligible entities**

1. Subject to the criteria set out in Article 197 of the Financial Regulation, the following entities shall be eligible:
  - (a) legal entities established in any of the following countries or territories:
    - (i) a Member State or an overseas country or territory linked to it;
    - (ii) a third country which is associated to the EaSI strand pursuant to Article 29;
    - (iii) a third country listed in the work programme, subject to conditions specified in paragraphs 2 and 3 of this Article;
  - (b) any legal entity established under Union law or any international organisation.
2. Legal entities established in a third country which is not associated to the EaSI strand pursuant to Article 29 shall be exceptionally eligible to participate where necessary for the achievement of the objectives of a given action.
3. Legal entities established in a third country which is not associated to the EaSI strand pursuant to Article 29 shall, in principle, bear the cost of their participation.

#### Article 28

#### **Horizontal principles**

1. The Commission shall ensure that gender equality, gender mainstreaming and the integration of gender perspective are taken into account and promoted throughout the preparation, implementation, monitoring, reporting, and evaluation of the operations supported from the EaSI strand.

2. The Commission shall take appropriate steps to prevent any discrimination based on gender, racial or ethnic origin, religion or belief, disability, age or sexual orientation during the preparation, implementation, monitoring, reporting, and evaluation of the operations supported from the EaSI strand. In particular, accessibility for persons with disabilities shall be taken into account throughout the preparation and implementation of the EaSI strand.

#### Article 29

### Participation of third countries

The EaSI strand shall be open to the participation of the following third countries by means of an agreement with the Union:

- (a) members of the European Free Trade Association which are members of the European Economic Area, in accordance with the conditions laid down in the Agreement on the European Economic Area;
- (b) acceding countries, candidate countries and potential candidates, 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) other third countries, in accordance with the conditions laid down in a specific agreement covering the participation of the third country in the EaSI strand, provided that the agreement:
  - (i) ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes;
  - (ii) lays down the conditions of participation in the programmes, including the calculation of financial contributions to individual programmes or strands of programmes, and their administrative costs;
  - (iii) does not confer to the third country a decisional power on the EaSI strand;
  - (iv) guarantees the rights of the Union to ensure sound financial management and to protect its financial interests.

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

#### CHAPTER III

### General provisions

#### Article 30

### Forms of Union funding and methods of implementation

1. The EaSI strand may provide funding in any of the forms laid down in the Financial Regulation for financial contributions, in particular grants, prizes, procurement and voluntary payments to international organisations of which the Union is a member or in whose work it participates.

2. The EaSI strand shall be implemented directly as provided for in Article 62(1), first subparagraph, point (a), of the Financial Regulation or indirectly with bodies referred to in Article 62(1), first subparagraph, point (c), of that Regulation.

When awarding grants, the evaluation committee referred to in Article 150 of the Financial Regulation may be composed of external experts.

3. Blending operations under the EaSI strand shall be implemented in accordance with Regulation (EU) 2021/523 and Title X of the Financial Regulation.

*Article 31***Work programme**

1. The EaSI strand shall be implemented on the basis of work programmes referred to in Article 110 of Financial Regulation. The content of those work programmes shall be established in line with the operational objectives set out in Article 25 of this Regulation and with the eligible actions set out in Article 26 of this Regulation. Work programmes shall set out, where applicable, the overall amount reserved for blending operations.
2. The Commission shall gather expertise on the preparation of the work programmes by consulting the working group referred to in Article 39(8).
3. The Commission shall foster synergies and ensure effective coordination between ESF+ and other relevant Union instruments as well as between the ESF+ strands.

*Article 32***Monitoring and reporting**

Indicators to report on the progress of the EaSI strand towards the achievement of the specific objectives set out in Article 4(1) and the operational objectives set out in Article 25 are set out in Annex IV.

The performance reporting system shall ensure that data for monitoring the implementation and results of the EaSI strand are collected efficiently, effectively and in a timely manner.

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

*Article 33***Protection of the financial interests of the Union**

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

*Article 34***Evaluation**

1. Evaluations shall be carried out in a timely manner to feed into the decision-making process.
2. By 31 December 2024, the Commission shall carry out a mid-term evaluation of the EaSI strand, on the basis of sufficient information available about its implementation.

The Commission shall assess the performance of the programme pursuant to Article 34 of the Financial Regulation, and in particular its effectiveness, efficiency, coherence, relevance and Union added value, including vis-à-vis the horizontal principles referred to in Article 28 of this Regulation, and measure, on a qualitative and quantitative basis, progress made in meeting the objectives of the EaSI strand.

The mid-term evaluation shall be based on the information generated by the monitoring arrangements and indicators established pursuant to Article 32, with a view to making any adjustments needed to the policy and funding priorities.

3. By 31 December 2031, at the end of the implementation period a final evaluation of the EaSI strand shall be carried out by the Commission.

4. The Commission shall submit the conclusions of the mid-term and final evaluations accompanied by its observations, to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

#### Article 35

##### **Audits**

Audits on the use of the Union contribution carried out by persons or entities, including by other than those mandated by the Union institutions or bodies, shall form the basis of the overall assurance pursuant to Article 127 of the Financial Regulation.

#### Article 36

##### **Information, communication and publicity**

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

2. The Commission shall implement information and communication actions relating to the EaSI strand, to actions taken pursuant to the EaSI strand and to the results obtained.

Financial resources allocated to the EaSI strand shall also contribute to the corporate communication of the political priorities of the Union, insofar as those priorities are related to the objectives referred to in Article 3(1) and (2), Article 4(1) and Article 25.

#### PART IV

##### **FINAL PROVISIONS**

#### Article 37

##### **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 17(7) and Article 23(5) shall be conferred on the Commission for an indeterminate period of time from 1 July 2021.

3. The delegation of power referred to in Article 17(7) and Article 23(5) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 17(7) or Article 23(5) shall enter into force only if no objection has been expressed either by the European Parliament or 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 38***Committee procedure for the ESF+ strand under shared management**

1. The Commission shall be assisted by the committee referred to in Article 115(1) of Regulation (EU) 2021/1060. That 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.

*Article 39***Committee set up under Article 163 TFEU**

1. The Commission shall be assisted by the Committee set up under Article 163 TFEU (the 'ESF+ Committee').
2. Each Member State shall appoint one government representative, one representative of the workers' organisations, one representative of the employers' organisations and one alternate for each member for a maximum period of seven years. In the absence of a member, the alternate shall be automatically entitled to take part in the proceedings.
3. The ESF+ Committee shall include one representative from each of the organisations representing workers' organisations and employers' organisations at Union level.
4. The ESF+ Committee, including its working groups referred to in paragraph 7, may invite non-voting representatives of stakeholders to attend its meetings. This may include representatives of the European Investment Bank and the European Investment Fund as well as relevant civil society organisations.
5. The ESF+ Committee shall be consulted on the planned use of technical assistance referred to in Article 35 of Regulation (EU) 2021/1060 in the case of support from the ESF+ strand under shared management, as well as on other issues having an impact on the implementation of strategies at Union level relevant to the ESF+.
6. The ESF+ Committee may deliver opinions on:
  - (a) questions related to the ESF+ contribution to the implementation of the European Pillar of Social Rights, including country-specific recommendations and European Semester-related priorities, such as national reform programmes;
  - (b) issues concerning Regulation (EU) 2021/1060 relevant for the ESF+;
  - (c) questions related to the ESF+ referred to it by the Commission other than those referred to in paragraph 5.

The opinions of the ESF+ Committee shall be adopted by an absolute majority of the votes validly cast, and shall be communicated to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, for information. The Commission shall inform the ESF+ Committee in writing of the manner in which it has taken account of its opinions.

7. The ESF+ Committee shall set up working groups for each ESF+ strand.
8. The Commission shall consult the working group dealing with the EaSI strand on the work programme. It shall inform that working group of the manner in which it has taken account of the results of that consultation. That working group shall ensure that a consultation of the work programme with stakeholders, including with representatives of civil society, takes place.

*Article 40***Transitional provisions for the ESF+ strand under shared management**

Regulation (EU) No 1304/2013, Regulation (EU) No 223/2014 or any act adopted under those Regulations shall continue to apply to programmes and operations supported under those Regulations during the 2014 to 2020 programming period.

*Article 41***Transitional provisions for the EaSI strand**

1. Regulation (EU) No 1296/2013 is repealed with effect from 1 January 2021. Any references to Regulation (EU) No 1296/2013 shall be construed as references to this Regulation.
2. The financial envelope for the implementation of the EaSI strand may also cover technical and administrative assistance expenses necessary to ensure the transition between the ESF+ and the measures adopted pursuant to Regulation (EU) No 1296/2013.
3. If necessary, appropriations may be entered in the Union budget beyond 2027 to cover the expenses provided for in Article 5(4), to enable the management of actions not completed by 31 December 2027.
4. Repayments from financial instruments established by Regulation (EU) No 1296/2013 shall be invested in the financial instruments of the social investment and skills policy window referred to in Article 8(1), point (d), of Regulation (EU) 2021/523.
5. In accordance with Article 193(2), second subparagraph, point (a), of the Financial Regulation, in duly justified cases specified in the financing decision and for a limited period, activities supported under this Regulation and the underlying costs may be considered eligible as of 1 January 2021, even if they were implemented and incurred before the grant application was submitted.

*Article 42***Entry into force**

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

It shall apply from 1 January 2021 with regard to the EaSI strand.

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

Done at Brussels, 24 June 2021.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
A. P. ZACARIAS

## ANNEX I

## COMMON INDICATORS FOR GENERAL SUPPORT FROM THE ESF+ STRAND UNDER SHARED MANAGEMENT

Personal data are to be broken down by gender (women, men, non-binary persons <sup>(1)</sup>).

If certain results are not possible, data for those results do not have to be collected or reported.

Where appropriate, common output indicators can be reported based on the target group of the operation.

### 1. Common output indicators related to operations targeting people

#### 1.1. Common output indicators for participants are:

- unemployed, including long-term unemployed (\*),
- long-term unemployed (\*),
- inactive (\*),
- employed, including self-employed (\*),
- number of children below 18 years of age (\*),
- young people between 18 and 29 years of age (\*),
- number of participants of 55 years of age and above (\*),
- with lower secondary education or less (ISCED 0-2) (\*),
- with upper secondary (ISCED 3) or post-secondary education (ISCED 4) (\*),
- with tertiary education (ISCED 5 to 8) (\*),
- total number of participants <sup>(2)</sup>.

Indicators listed under this point do not apply to ESF+ support contributing to the specific objective set out in Article 4(1), point (l), except the following indicators: 'number of children below 18 years of age', 'young people between 18 and 29 years of age', 'number of participants of 55 years of age and above' and 'total number of participants'.

Where data are collected from registers or equivalent sources, Member States may use national definitions.

#### 1.2. Other common output indicators for participants are:

- participants with disabilities (\*\*),
- third-country nationals (\*),
- participants with a foreign background (\*),
- minorities (including marginalised communities, such as Roma people) (\*\*),
- homeless or affected by housing exclusion (\*),
- participants from rural areas (\*) <sup>(3)</sup>.

Data collection is necessary only where applicable and relevant.

Values of the indicators listed under point 1.2 can be determined based on informed estimates provided by the beneficiary.

For indicators listed under point 1.2 Member States may apply national definitions, except for the following indicators: 'third-country nationals' and 'participants from rural areas'.

<sup>(1)</sup> According to national law.

<sup>(2)</sup> This indicator shall be calculated automatically on the basis of the common output indicators relating to employment status, except for ESF+ support contributing to the specific objective set out in Article 4(1), point (l), in which case the total number of participants is to be reported.

<sup>(3)</sup> This indicator does not apply to ESF+ support contributing to the specific objective set out in Article 4(1), point (l).

2. Common output indicators for entities

Common output indicators for entities are:

- number of supported public administrations or public services at national, regional or local level,
- number of supported micro, small and medium-sized enterprises (including cooperative enterprises and social enterprises).

Where data are collected from registers or equivalent sources, Member States may use national definitions.

3. The common immediate result indicators for participants

The common immediate result indicators for participants are:

- participants engaged in job searching upon leaving (\*),
- participants in education or training upon leaving (\*),
- participants gaining a qualification upon leaving (\*),
- participants in employment, including self-employment, upon leaving (\*).

Indicators listed under this point do not apply to ESF+ support contributing to the specific objective set out in Article 4(1), point (l).

Where data are collected from registers or equivalent sources, Member States may use national definitions.

4. Common longer-term result indicators for participants

Common longer-term result indicators for participants are:

- participants in employment, including self-employment, six months after leaving (\*),
- participants with an improved labour market situation six months after leaving (\*).

Indicators listed under this point do not apply to ESF+ support contributing to the specific objective set out in Article 4(1), point (l).

Where data are collected from registers or equivalent sources, Member States may use national definitions.

Common longer-term result indicators for participants shall be reported by 31 January 2026 in accordance with Article 42(1) of Regulation (EU) 2021/1060 and in the final performance report referred to in Article 43 of that Regulation.

As a minimum requirement, common longer-term indicators for participants shall be based on a representative sample of participants within the specific objectives set out in Article 4(1), points (a) to (k). Internal validity of the sample is to be ensured in such a way that the data can be generalised at the level of the specific objective.

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(\*) Data reported are personal data according to Article 4(1) of Regulation (EU) 2016/679.

(\*\*) Data reported comprise a special category of personal data as referred to in Article 9 of Regulation (EU) 2016/679.

## ANNEX II

## COMMON INDICATORS FOR THE ESF+ ACTIONS TARGETING SOCIAL INCLUSION OF THE MOST DEPRIVED PERSONS WITHIN THE SPECIFIC OBJECTIVE SET OUT IN ARTICLE 4(1), POINT (L), IN LINE WITH THE FIRST SUBPARAGRAPH OF ARTICLE 7(5)

Personal data are to be broken down by gender (women, men, non-binary persons <sup>(1)</sup>).

1. Common output indicators related to operations targeting people

1.1. Common output indicators for participants are:

- total number of participants,
- number of children below 18 years of age (\*),
- number of young people between 18 and 29 years of age (\*),
- number of participants of 65 years of age and above (\*).

Values of the indicators listed under point 1.1 can be determined based on informed estimates provided by the beneficiary.

1.2. Other common output indicators are:

- participants with disabilities (\*\*),
- third-country nationals (\*),
- number of participants with a foreign background (\*), minorities (including marginalised communities, such as Roma people) (\*\*),
- homeless or affected by housing exclusion (\*).

Data collection is necessary only where applicable and relevant.

Values of the indicators listed under point 1.2 can be determined based on informed estimates provided by the beneficiary.

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(\*) Data reported are personal data according to Article 4(1) of Regulation (EU) 2016/679.

(\*\*) Data reported comprise a special category of personal data as referred to in Article 9 of Regulation (EU) 2016/679.

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(1) According to national law.

## ANNEX III

## COMMON INDICATORS FOR ESF+ SUPPORT FOR ADDRESSING MATERIAL DEPRIVATION

## 1. Output indicators

## 1.1. Total monetary value of distributed food and goods:

1.1.1. total value of the food support <sup>(1)</sup>;

1.1.1.1. total monetary value of food for the homeless;

1.1.1.2. total monetary value of food for other target groups;

1.1.2. total value of goods distributed <sup>(2)</sup>;

1.1.2.1. total monetary value of goods for children;

1.1.2.2. total monetary value of goods for the homeless;

1.1.2.3. total monetary value of goods for other target groups.

1.2. Total quantity of food support distributed (in tonnes) <sup>(3)</sup>:

1.2.1. share of food for which only transport, distribution and storage were paid for by the programme (in %);

1.2.2. proportion of the ESF+ co-financed food in the total volume of food distributed the beneficiaries (in %).

Values of the indicators listed under points 1.2.1 and 1.2.2 shall be determined based on informed estimates provided by the beneficiary.

## 2. Common result indicators

## 2.1. Number of the end recipients receiving food support

— number of children below 18 years of age,

— number of young people between 18 and 29 years of age,

— number of women,

— number of end recipients of 65 years of age and above,

— number of end recipients with disabilities (\*),

— number of third-country nationals (\*),

— number of end recipients with a foreign background and minorities (including marginalised communities such as Roma people) (\*),

— number of homeless end recipients or end-recipients affected by housing exclusion (\*).

## 2.2. Number of the end recipients receiving material support

— number of children below 18 years of age,

— number of young people between 18 and 29 years of age,

— number of women,

— number of end recipients of 65 years of age and above,

— number of end recipients with disabilities (\*),

— number of third-country nationals (\*),

— number of end recipients with a foreign background and minorities (including marginalised communities, such as Roma people) (\*),

— number of homeless end recipients or end-recipients affected by housing exclusion (\*).

## 2.3. Number of the end recipients benefiting from vouchers or cards

— number of children below 18 years of age,

— number of young people between 18 and 29 years of age,

<sup>(1)</sup> These indicators do not apply to food assistance provided indirectly through vouchers or cards.

<sup>(2)</sup> These indicators do not apply to goods provided indirectly through vouchers or cards.

<sup>(3)</sup> These indicators do not apply to food assistance provided indirectly through vouchers or cards.

- number of end recipients of 65 years of age and above,
- number of women,
- number of end recipients with disabilities (\*),
- number of third-country nationals (\*),
- number of end recipients with a foreign background and minorities (including marginalised communities, such as Roma people) (\*),
- number of homeless end recipients or end recipients affected by housing exclusion (\*).

Values of the indicators listed under point 2 shall be determined based on informed estimates provided by the beneficiary.

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(\*) National definitions may be used.

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## ANNEX IV

## INDICATORS FOR THE EaSI STRAND

## Indicators for the EaSI strand

- number of analytical activities,
- number of information sharing and mutual learning activities,
- number of social experimentation,
- number of capacity building and networking activities,
- number of job placements under targeted mobility schemes.

Data for the indicator 'number of job placements under targeted mobility schemes' shall be collected only every two years.

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