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2019/0030 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

laying down provisions for the continuation of ongoing learning mobility activities under the Erasmus+ programme in the context of the withdrawal of the United Kingdom of Great Britain and Northern Ireland ("United Kingdom") from the European Union

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• **Reasons for and objectives of the proposal**

The United Kingdom of Great Britain and Northern Ireland ("United Kingdom") submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, if the Withdrawal Agreement is not ratified, the Unions' primary and secondary law will cease to apply to the United Kingdom from 30 March 2019 ('the withdrawal date'). The United Kingdom will then become a third country.

The European Council (Article 50) reiterated its call, on 13 December 2018, for work on preparedness at all levels on the consequences of the United Kingdom's withdrawal to be intensified, taking into account all possible outcomes. This act is part of a package of measures that the Commission is adopting in response to this call.

The Erasmus+ programme is an EU flagship initiative, probably one of the most successful programmes of the European Union. It has given more than 9 million young Europeans an opportunity for a learning mobility experience abroad since its start more than 30 years ago. It has created a whole generation of people who identify themselves with Europe. A generation of open-minded, confident and empowered people, who share Europe's common values and are contributing to building the knowledge base and resilience of Europe's economy and society.

Erasmus+ is supporting actions in the fields of education and training, youth and sport. It helps European countries to modernise and improve their education and training systems as well as their youth and sport policies, reinforcing their role as drivers for growth, employment, competitiveness, innovation and social cohesion. The programme provides almost 800 000 people per year with an opportunity to benefit from learning or training abroad. Mobility activities can have a duration of up to 12 months.

The programme is a key instrument for working towards a European Education Area by 2025, where young people receive the best education and training, where learning, studying and doing research would not be hampered by borders and where spending time in another Member state – to study, to learn, or to work – has become the standard. In the European Education Area people have a strong sense of their identity as Europeans, of Europe's cultural heritage and its diversity.

At the moment of withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union, there will be almost 14,000 EU-27 learners (students and trainees in higher education and vocational education and training, youth learners, educational staff) in the United Kingdom, and around 7,000 United Kingdom learners in EU-27.

If the Withdrawal Agreement is not ratified, it would mean that the current EU-27 and UK Erasmus+ participants would have to interrupt their learning mobility activities. Many students would lose their academic credits and could be obliged to repeat their academic semester or year. This would be a very disruptive impact for students themselves as well as for their sending and hosting institutions.

This proposal aims to put in place contingency measures to avoid the disruption of Erasmus+ learning mobility activities involving the United Kingdom at the time of its withdrawal from the European Union. These measures will be applied to Erasmus+ ongoing learning mobility activities starting before the date on which the Treaties cease to apply to and in the United Kingdom.

- **Consistency with existing policy provisions in the policy area**

This proposal aims at the continuation of existing programmes.

- **Consistency with other Union policies**

This proposal is fully consistent with the Council mandate for the negotiations with the United Kingdom on its withdrawal from the Union.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 165 and 166 TFEU

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

The proposed act aims at ensuring the partial continuation of the Erasmus+ programme, which is governed by Regulation (EU) No 1288/2013 as amended by Regulation (EU) 2018/1475. The compliance with the subsidiarity principle of this programme has already been examined at the time of the adoption of the latter.

- **Proportionality**

The proposal is considered proportionate as it provides for the necessary legal change and at the same time does not go beyond what is necessary to achieve the orderly continuation of the ongoing mobility actions already granted under the framework of the Erasmus+ programme.

- **Choice of the instrument**

Given that the act builds on Regulation (EU) No 1288/2013, proposing a regulation is the only adequate form.

Due to the fact that this Regulation - which shall enter into force on the day following that of its publication in the Official Journal of the European Union - will only apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) of the Treaty on European Union has not entered into force by the date the Treaties cease to apply to and in the United Kingdom, the proposed ad hoc act is more appropriate than a Regulation in the form of an amending act.

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

- **Stakeholder consultations**

Due to the urgency of preparing the proposal, so that the co-legislators can adopt it on time, a stakeholder consultation could not be carried out.

- **Impact assessment**

Due to the nature of the proposed measure, no impact assessment was carried out, in line with the Better Regulation Guidelines. There are no other materially different policy options available. The envisaged measure represents the only viable policy option to ensure the orderly continuation of ongoing learning mobility activities involving the United Kingdom in the framework of the Erasmus+ programme, after the United Kingdom's withdrawal from the Union.

4. BUDGETARY IMPLICATIONS

This proposal aims to ensure, if the Withdrawal Agreement is not ratified, the continuation of ongoing Erasmus+ learning mobility activities involving the United Kingdom, without modifying the amounts allocated to them and their financing.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty of the Functioning of the European Union, and in particular, Article 165(4) and 166(4) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) On 29 March 2017, the United Kingdom submitted the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. The Treaties will cease to apply to the United Kingdom from the date of entry into force of a withdrawal agreement or failing that, two years after that notification, i.e. from 30 March 2019, unless the European Council, in agreement with the United Kingdom, unanimously decides to extend that period.
- (2) The withdrawal occurs during the programming period 2014-2020 of the Erasmus+ programme in which the United Kingdom participates.
- (3) Regulation (EU) No 1288/2013 of the European Parliament and of the Council³ governs the Erasmus+ programme. This Regulation should lay down rules in order to allow for the continuation of legal commitments already undertaken with regard to ongoing learning mobility activities involving the United Kingdom, further to its withdrawal from the Union in accordance with Regulation (EU) No 1288/2013.
- (4) From the date the Treaties cease to apply, the United Kingdom will cease to be part of the 'Union part of the programme area' within the meaning of Article 24(1)(a) of Regulation (EU) No 1288/2013. In order to avoid that the current Erasmus+ participants would have to interrupt their ongoing learning mobility activities, the rules on the eligibility of ongoing learning mobility activities under Erasmus+ programme should be adapted.

¹ [...]

² [...]

³ Regulation (EU) No 1288/2013 of the European parliament and of the Council of 11 December 2013 establishing 'Erasmus+': the Union programmes for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p.50).

- (5) For the purposes of the continuation of financing of ongoing learning mobility activities from the Union budget, the Commission and the United Kingdom should agree to allow the exercise of controls and audits of the respective activities. If the necessary controls and audits cannot be carried out, this should be considered a serious deficiency in the management and control system.
- (6) This Regulation should enter into force as a matter of urgency and should apply from the date following that on which the Treaties cease to apply to and in the United Kingdom unless a withdrawal agreement concluded with the United Kingdom has entered into force by that date.

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation lays down provisions for the continuation of learning mobility activities referred to in Articles 7 and 13 of Regulation (EU) No 1288/2013 which have started at the latest on the date on which the Treaties cease to apply to and in the United Kingdom.

Article 2

Eligibility

1. Activities referred to in Article 1, which take place in the United Kingdom or involve entities or participants from the United Kingdom, shall continue to be eligible.
2. For the purpose of application of any other provisions of Regulation (EU) No 1288/2013 and the acts implementing that Regulation necessary to give effect to paragraph 1, the United Kingdom shall be treated as a Member State, subject to the provisions of this Regulation.

However, representatives of the United Kingdom shall not participate in the committee referred to in Article 36 of Regulation (EU) No 1288/2013.

Article 3

Controls and audits

The application of the rules regarding the controls and audit of the learning mobility activities referred to in Article 1 shall be agreed between the Commission and the authorities of the United Kingdom. The controls and audits shall cover the entire period of the learning mobility activities and the related follow-up.

If the necessary controls and audit of the programme cannot be executed in the United Kingdom, this shall constitute a serious deficiency in complying with the main obligations in the implementation of the legal commitment between the Commission and the national agency of the United Kingdom.

Article 4

Entry into force and application

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 the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

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

Done at Brussels,

For the European Parliament

The President

For the Council

The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned

Proposal for a Regulation of the European Parliament and of the Council laying down provisions for the continuation of ongoing learning mobility activities under the Erasmus+ programme in the context of the withdrawal of the United Kingdom of Great Britain and Northern Ireland ("United Kingdom") from the European Union.

1.3. Grounds for the proposal/initiative

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

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 the date following that on which the Treaties cease to apply to and in the United Kingdom pursuant to Article 50(3) of the Treaty on European Union.

This Regulation shall not apply if a withdrawal agreement concluded with the United Kingdom in accordance with Article 50(2) of the Treaty on European Union has entered into force by that date.

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

N/A

1.3.3. Lessons learned from similar experiences in the past

N/A

1.3.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

This Regulation is compatible with the Multiannual Financial Framework. It has no financial impact.

1.3.5. Assessment of the different available financing options, including scope for redeployment

This Regulation has no financial impact. The Union contribution to the programmes will be financed via the general budget of the Union.

1.4. Duration and financial impact of the proposal/initiative

– X no financial impact

1.5. Management mode(s) planned⁴

Direct management by the Commission

⁴ Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: <https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>

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

Comments:

N/A

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

N/A

2.2. Management and control system(s)

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

N/A

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

N/A

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

N/A

2.3. Measures to prevent fraud and irregularities

N/A

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

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

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. ⁵	from EFTA countries ⁶	from candidate countries ⁷	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
		Diff.	NO	NO	NO	NO

⁵ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁶ EFTA: European Free Trade Association.

⁷ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1 Summary of estimated impact on operational appropriations

- This Regulation has no financial impact.
- The proposal/initiative requires the use of operational appropriations, as explained below:

			2019	2020	2021	2022	2023	Subsequent years	TOTAL
<input type="checkbox"/> Cancellation of operational appropriations									
	Commitments	(1a)							
	Payments	(2a)							
TOTAL appropriations	Commitments	=1a+1b +3							
	Payments	=2a+2b +3							

<input type="checkbox"/> TOTAL operational appropriations	Commitments	(4)							
	Payments	(5)							
<input type="checkbox"/> TOTAL appropriations of an administrative nature financed from the envelope for specific programmes			(6)						
TOTAL appropriations under	Commitments	=4+ 6							

HEADING 13 of the multiannual financial framework	Payments	=5+ 6								

If more than one operational heading is affected by the proposal / initiative, repeat the section above:

<input type="checkbox"/> TOTAL operational appropriations (all operational headings)	Commitments	(4)								
	Payments	(5)								
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)								
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6								
	Payments	=5+ 6								

Heading of multiannual financial framework	5	‘Administrative expenditure’
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the [Annex to the Legislative Financial Statement](#) (Annex V to the internal rules), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many ye necessary to show the duration of the impact (see pars as point 1.6)	TOTAL
DG: <.....>						
<input type="checkbox"/> Human resources						
<input type="checkbox"/> Other administrative expenditure						
TOTAL DG <.....>	Appropriations					

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)								
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EUR million (to three decimal places)

	Year N ⁸	Year N+1	Year N+2	Year N+3	Enter as many years necessary to show the duration of the impact (see point 1.6)	TOTAL

⁸ Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments																	
	Payments																	

3.2.2 *Estimated output funded with operational appropriations*

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs <input type="checkbox"/>			Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)										TOTAL	
	OUTPUTS																	
	Type ⁹	Average cost	N°	cost	N°	cost	N°	cost	N°	cost	N°	cost	N°	cost	N°	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 ¹⁰ ...																		
- Output																		
- Output																		
- Output																		
Subtotal for specific objective No 1																		

⁹ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹⁰ As described in point 1.4.2. 'Specific objective(s)...

SPECIFIC OBJECTIVE No 2 ...																	
- Output																	
Subtotal for specific objective No 2																	
TOTALS																	

3.2.3 Summary of estimated impact on administrative appropriations

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

EUR million (to three decimal places)

	Year N ¹¹	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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HEADING 5 of the multiannual financial framework								
Human resources								
Other administrative expenditure								
Subtotal HEADING 5 of the multiannual financial framework								

Outside HEADING 5¹² of the multiannual financial framework								
Human resources								
Other expenditure of an administrative nature								
Subtotal outside HEADING 5 of the multiannual financial framework								

¹¹ Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

¹² Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

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

3.2.3.1. Estimated requirements of human resources

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

Estimate to be expressed in full time equivalent units

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
<input type="checkbox"/> Establishment plan posts (officials and temporary staff)								
XX 01 01 01 (Headquarters and Commission's Representation Offices)								
XX 01 01 02 (Delegations)								
XX 01 05 01/11/21 (Indirect research)								
10 01 05 01/11 (Direct research)								
<input type="checkbox"/> External staff (in Full Time Equivalent unit: FTE)¹³								
XX 01 02 01 (AC, END, INT from the 'global envelope')								
XX 01 02 02 (AC, AL, END, INT and JPD in the delegations)								
XX 01 04 yy¹⁴	- at Headquarters							
	- in Delegations							
XX 01 05 02/12/22 (AC, END, INT - Indirect research)								
10 01 05 02/12 (AC, END, INT - Direct research)								

¹³ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

¹⁴ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

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

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

3.2.4. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

can be fully financed within the relevant heading of the Multiannual Financial Framework (MFF).

requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

The proposal/initiative:

does not provide for co-financing by third parties

provides for the co-financing by third parties estimated below:

Appropriations in EUR

3.3. **Estimated impact on revenue**

– The proposal/initiative has no financial impact on revenue.

– The proposal/initiative has the following financial impact:

– on own resources

– on other revenue

– please indicate, if the revenue is assigned to expenditure lines X

EUR

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

N/A

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