



Brussels, 27.6.2014
COM(2014) 385 final

2014/0196 (NLE)

Proposal for a

COUNCIL DECISION

on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes

EXPLANATORY MEMORANDUM

As part of the European Neighbourhood Policy (ENP), the gradual opening-up of certain Union programmes and agencies to the participation of ENP partner countries represents one of many measures to promote reform, modernisation and transition in the European Union's neighbourhood. The Commission outlined this policy aspect more extensively in its Communication of December 2006 'on the general approach to enable European Neighbourhood Policy partner countries to participate in Community agencies and Community programmes'¹.

The Council endorsed this approach in its conclusions of 5 March 2007².

Based upon this Communication and these conclusions, on 18 June 2007 the Council issued directives to the Commission to negotiate Framework Agreements with Algeria, Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine, on the general principles for their participation in Community programmes³.

The June 2007 European Council⁴ reaffirmed the paramount importance of the ENP and endorsed a Presidency Progress Report⁵ that had been submitted to the Council meeting of 18 and 19 June 2007 and the related Council conclusions⁶. The report referred to the Council directives for negotiating the relevant additional protocols.

The Joint Communication by the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy 'A new response to a changing Neighbourhood'⁷, endorsed in the Council conclusions of 20 June 2011, further stressed the EU's intention to facilitate partner countries' participation in EU programmes.

To date, protocols have been signed with Armenia, Georgia, Israel, Jordan, Moldova, Morocco and Ukraine.

In February 2013, Algeria expressed its interest in participating in the broad range of programmes open to partner countries of the European Neighbourhood Policy. The text of the protocol negotiated with Algeria is attached.

The Commission herewith submits a proposal for a Council Decision on the signing of the protocol. This protocol contains a Framework Agreement on the general principles for the participation of Algeria in Union programmes. It contains standard clauses that are intended to be applied to all ENP partner countries with which such protocols are concluded. The negotiated text also provides for the parties to provisionally apply the provisions of this protocol from the date of its signing.

The Commission is submitting a parallel proposal for a Council Decision on the conclusion of the protocol.

The Council is invited to adopt the following proposed decision.

¹ COM(2006) 724 final of 4 December 2006.

² GAERC conclusions of 5 March 2007.

³ Council Decision (restricted) authorising the Commission to negotiate Protocols [...], Doc. 10412/07.

⁴ Presidency conclusions – Brussels, 21-22 June 2007, Doc. 11177/07.

⁵ Presidency Progress Report on 'Strengthening the European Neighbourhood Policy', Doc. 10874/07.

⁶ Conclusions on Strengthening the European Neighbourhood Policy, adopted by the Council (General Affairs and External Relations) on 18 June 2007, Doc. 11016/07.

⁷ COM(2011) 303 final of 25 May 2011.

Proposal for a

COUNCIL DECISION

on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 in conjunction with Article 218(5) and (7) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 18 June 2007 the Council authorised the Commission to negotiate a protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes (hereinafter referred to as 'the Protocol').
- (2) The negotiations have been concluded.
- (3) The objective of the Protocol is to lay down the financial and technical rules enabling Algeria to participate in certain Union programmes. The horizontal framework established by the Protocol constitutes an economic, financial and technical cooperation measure which gives access to assistance, in particular financial assistance, to be provided by the Union pursuant to the Union programmes. This framework applies only to those Union programmes for which the relevant constitutive legal acts provide for the possibility of Algeria's participation. The signing and provisional application of the Protocol therefore does not entail the exercise of powers under the various sectoral policies pursued by the programmes which are exercised when establishing the programmes.
- (4) The Protocol should be signed on behalf of the Union, subject to the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes ('the Protocol') is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The Council Secretariat-General shall establish the instrument of full powers to sign the Protocol, subject to its conclusion, for the person(s) indicated by the negotiator.

Article 3

The Protocol shall be applied on a provisional basis from the date of its signing, pending the completion of the procedures necessary for its conclusion.

The date of signing the Protocol will be published in the Official Journal of the European Union by the General Secretariat of the Council.

Article 4

The Commission is authorised to determine, on behalf of the Union, the specific terms and conditions applicable to the participation of Algeria in any given programme, including the financial contribution payable. The Commission will keep the relevant Council working party informed.

Article 5

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*