



COMMISSION OF THE EUROPEAN COMMUNITIES

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2001/0195 (AVC)

Proposal for

COUNCIL DECISION

**concerning the conclusion of a Framework Agreement
between the European Community and the Republic of Cyprus on the general principles
for the participation of the Republic of Cyprus in Community programmes**

Proposal for a

COUNCIL DECISION

**concerning the conclusion of a Framework Agreement
between the European Community and the Republic of Malta on the general principles
for the participation of the Republic of Malta in Community programmes**

Proposal for a

COUNCIL DECISION

**concerning the conclusion of a Framework Agreement
between the European Community and the Republic of Turkey on the general principles
for the participation of the Republic of Turkey in Community programmes**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. INTRODUCTION AND SUMMARY

The European Council held in Helsinki in December 1999 confirmed the enlargement process which was launched at its meeting of December 1997 in Luxembourg. At Helsinki the enhanced Pre-Accession Strategy defined in 1997 was reiterated, which includes the participation of the 13 candidate States (including Cyprus, Malta and Turkey) in Community programmes as an important part of such strategy.

The term "*Community programmes*" designates here an integrated set of actions adopted by the Community, over a period of years, in order to promote co-operation between its Member States in different specific fields related to Community policies. They have been conceived, in principle exclusively, for EU Member States, on the basis of a specific allocation from the General Budget of the European Union. Consequently those programmes whose beneficiaries are not Member States of the Union but non-EU countries (i.e. the *Phare*, *Tacis* and *Meda* programmes) are not covered by this definition.

Following the European Council's conclusions in Luxembourg and Helsinki, the Commission, in its Communication of 20 December 1999 on "*Participation of candidate countries in the Community programmes, agencies and committees*" [COM(1999) 710 final], proposed to the Council a new "framework" approach for all candidate countries to streamline the Community procedures required to agree the conditions and modalities of the participation. However, the different legal base for Cyprus, Malta and Turkey in this field means that the proposed method for implementing this new approach with respect to these countries is slightly different.

To implement the proposal in COM(1999) 710 final, the Council agreed the following in Decision [../...]¹ of [date] :

- a) to adopt a series of 10 Decisions on the Community position within the respective Association Councils regarding framework Association Council Decisions adopting the general terms and conditions for the participation of CEECs in the Community programmes opened up to them;
- b) to authorise the Commission to negotiate with Cyprus, Malta and Turkey, three bilateral Framework Agreements laying down the general principles for the participation of these candidate countries in all Community programmes which are opened to the CEECs.

The Commission has now negotiated the framework agreements with Cyprus, Malta and Turkey referred to under b), in accordance with the agreed negotiating directives. These framework agreements contain equivalent terms to those set out for CEECs in the draft framework Association Council Decisions, which have been amended and agreed by the Council in Decision [../...].

Therefore, the Council is now invited to agree the three attached draft Decisions, which approve the framework agreements for each of Cyprus, Malta and Turkey.

¹ [Political agreement secured, but decision not yet formally adopted. The relevant Commission proposal is COM(2000) 725 final.]

2. CURRENT PARTICIPATION OF CYPRUS, MALTA AND TURKEY

In fact, since the Luxembourg European Council, Cyprus, Malta and Turkey have already been participating or preparing to participate in certain programmes to differing extents. Such participation has been negotiated under the previous procedures. **Cyprus**, for its part, has been involved in programmes relating to education, vocational training and young people (*Socrates*, *Leonardo da Vinci* and *Youth*), since 1997 (and more recently also in the field of audiovisual policy, scientific research and in the *SMEs* programme). **Malta** has started to participate in the programmes dealing with education (*Socrates*), vocational training (*Leonardo da Vinci*) since September 2000, *Youth* since January 2001 and more recently in the research programmes. **Turkey** has not yet participated fully in Community programmes, but is starting the preparatory measures for participation in *Socrates*, *Leonardo da Vinci* and *Youth*. It has also expressed interest in participating in a number of other programmes.

3. NEW "FRAMEWORK" APPROACH

Experience in preparing for the participation of the ten CEECs showed that a very large number (i.e. one per country per programme) of decisions by the relevant Association Councils were required. The adoption of such decisions took between six and nine months. It is in the light of this experience, that the Council agreed in Decision [../...] that a new "framework" approach should be adopted in relation to the participation of all candidate countries in the new generation of Community programmes, taking advantage of the fact that most of these programmes were replaced by new programmes either at the end of 1999 or in 2000.

Under this new approach, framework instruments are agreed with candidate countries which establish the general principles for their participation in Community programmes. The terms and conditions of participation in specific programmes are then negotiated bilaterally between the Commission and the Government of the relevant country. Decision [../...] and the present attached draft Decisions provide that the Commission should be assisted in this latter task by a "special committee appointed by the Council".

4. FRAMEWORK APPROACH IN THE CASE OF CYPRUS, MALTA AND TURKEY

Unlike the "Europe Agreements" agreed relatively recently with the CEECs, the legal scope of the Association Agreements in force with Cyprus, Malta and Turkey, since 1973, 1971 and 1964 respectively, is different in that it does not provide for participation in Community programmes. Consequently the terms and conditions of such participation have to be established, not through the Association Council as for the CEECs, but by means of specific bilateral agreements.

Because of this different legal base, instead of framework Decisions of Association Councils as applicable to the CEECs, framework agreements have been negotiated bilaterally between the Commission and Cyprus, Malta and Turkey, on the basis of the negotiating mandate given to the Commission in Decision [../...].

Without these framework agreements, a large number of new international instruments would otherwise be needed to formalise participation. For Cyprus, Malta and Turkey, the problem would be particularly acute as a double Commission-Council procedure would be needed. This is because an individual bilateral agreement would be needed for each programme, which could only be negotiated, after a specific negotiating mandate had been agreed by the

Council. In addition, the European Parliament would have to be consulted on each Commission proposal regarding the draft individual Agreements. This scenario would overload both the usual EU inter-institutional relations and the required administrative tasks by the Commission. In Cyprus, Malta and Turkey, it would aggravate disappointment as regards the protracted Community procedures regarding their participation in programmes.

Where there is support for the costs of participation from Community pre-accession financial assistance, then the financial conditions are subsequently to be laid down. In the case of Cyprus and Malta, such financial assistance is envisaged under Council Regulation (EC) 555/2000 on the implementation of operations in the framework of the pre-accession strategy for Cyprus and Malta. In the case of Turkey, it is envisaged both under the MEDA programme and through two "European Regulations", regarding the implementation of measures to intensify the EU-Turkey Customs Union, and regarding the implementation of measures to promote economic and social development in Turkey. However, a new draft Regulation (COM(2001) 230 final) under discussion in the Council would bring all pre-accession financial assistance to Turkey, including participation in Community programmes, under a single budget line.

5. CONTENT OF THE FRAMEWORK AGREEMENTS

The terms in the proposed draft framework agreements for Cyprus, Malta and Turkey are equivalent to those agreed by the Council for the framework instruments for the CEECs. The main issues addressed are:

- a) the programmes concerned will be all those open to the participation of candidate countries from Central and Eastern Europe;
- b) the candidate country will pay each year a contribution to the programmes, to be determined between the Commission and the Government of the candidate country. The attached draft Council Decisions approving the framework agreements provide that in determining the conditions of participation in specific programmes, including the financial contribution, the Commission shall be assisted by a special committee appointed by the Council.
- c) the contribution paid will not be reimbursed to the candidate country if, at the end of the year, the results fall short of the contribution paid;
- d) representatives from the candidate countries will be invited to attend meetings of the Programme Committees as observers, for the points which concern them;
- e) projects and initiatives submitted by participants from the candidate countries shall be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States, regarding in particular the submission, assessment and selection of applications and projects;
- f) the framework agreements will apply for an unspecified period, subject to a classical clause of denunciation. Specific duration of participation in programmes will be determined in the specific terms and conditions concluded between the Commission and the Government concerned.

In the light of the above, the Council is invited to adopt the three attached draft Decisions, which approve the attached framework agreements with each of Cyprus, Malta and Turkey setting out the general principles for their participation in Community programmes.

Proposal for

COUNCIL DECISION

**concerning the conclusion of a Framework Agreement
between the European Community and the Republic of Cyprus on the general principles
for the participation of the Republic of Cyprus in Community programmes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(3), 150(3), 151(3), 152(3), 153, 155(3), 157, 170, 174(4) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the assent of the European Parliament²,

Whereas:

- (1) The European Council in Luxembourg in December 1997 considered that the accession of the Republic of Cyprus to the European Union should benefit both communities in that country and contribute to civil peace and reconciliation.
- (2) The Luxembourg European Council made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. The Luxembourg European Council also established a specific pre-accession strategy for Cyprus which included participation in Community programmes and agencies. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (3) In conformity with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Cyprus on the general principles for its participation in Community programmes.
- (4) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

¹ OJ C [2001], [...], p. [...]

² Opinion delivered on [...] OJ C [2001], [...], p. [...].

- (5) The specific terms and conditions regarding the participation of the Republic of Cyprus in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.
- (6) The Republic of Cyprus may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta³.
- (7) The Agreement should be reviewed by the Commission at regular intervals.
- (8) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Cyprus on the general principles for the participation of the Republic of Cyprus in Community programmes, is approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions, regarding the participation of the Republic of Cyprus in each individual programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where the Republic of Cyprus requests external assistance, the procedures provided for in Regulation (EC) No 555/2000 and in similar Regulations providing for Community external assistance to the Republic Cyprus that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied where necessary by appropriate proposals.

³ OJ L 68, 16.3.2000, p.3.

Article 4

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement⁴.

Done at Brussels, [...]

For the Council
The President
[...]

⁴ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

DRAFT FRAMEWORK AGREEMENT

between the European Community and the Republic of Cyprus on the general principles for the participation of the Republic of Cyprus in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as “the Community”

of the one part, and

THE REPUBLIC OF CYPRUS, hereinafter referred to as “Cyprus”,

of the other part,

Whereas:

- (1) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. The Luxembourg European Council also established a specific pre-accession strategy for Cyprus, which included participation in certain Community programmes and agencies. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (2) Cyprus has expressed the wish to participate in a number of Community programmes.
- (3) The specific terms and conditions, including financial contribution, regarding the participation of Cyprus in each particular programme should be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Cyprus,

HAVE AGREED AS FOLLOWS:

Article 1

Cyprus may participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Cyprus shall contribute financially to the European Union's budget corresponding to the specific programmes in which Cyprus participates.

Article 3

Cyprus's representatives shall be allowed to take part, as observers and for the points which concern Cyprus, in the management committees responsible for monitoring the programmes to which Cyprus will contribute financially.

Article 4

Projects and initiatives submitted by participants from Cyprus shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Cyprus in each particular programme, including the financial contribution payable, shall be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Cyprus.

If Cyprus applies for Community external assistance pursuant to Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta, or pursuant to any similar Regulation providing for Community external assistance to Cyprus that may be adopted in future, the conditions governing the use by Cyprus of the Community assistance shall be determined in a Financing Memorandum.

Article 6

The Agreement shall apply for an indeterminate period. It may be denounced by either Party by giving 6-months' notice in writing.

Article 7

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, both Contracting Parties may review the implementation of the Agreement on the basis of actual participation of Cyprus in one or more Community programmes.

Article 8

The Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of the Republic of Cyprus.

Article 9

The Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

Article 10

The Agreement is drawn up in duplicate in the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish languages, each of these texts being equally authentic.

Done at Brussels, [...]

For the European Community
[...]

For the Republic of Cyprus
[...]

Proposal for a

COUNCIL DECISION

**concerning the conclusion of a Framework Agreement
between the European Community and the Republic of Malta on the general principles
for the participation of the Republic of Malta in Community programmes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(3), 150(3), 151(3), 152(3), 153, 155(3), 157, 170, 174(4) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the assent of the European Parliament²,

Whereas:

- (1) The Republic of Malta's decision to reactivate its application for accession to the European Union was welcomed at the European Council in Vienna in December 1998 and in February 1999 the Commission submitted an updated version of its 1993 opinion on the Republic of Malta's application for membership.
- (2) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (3) The Helsinki European Council of December 1999 stated that the Republic of Malta is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries. Building on the existing European strategy, the Republic of Malta, like other candidate States, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.
- (4) In conformity with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement

¹ OJ C [2001], [...], p. [...]

² Opinion delivered on [...] OJ C [2001], [...], p. [...].

with the Republic of Malta on the general principles for its participation in Community programmes.

- (5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.
- (6) The specific terms and conditions regarding the participation of the Republic of Malta in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf to the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.
- (7) The Republic of Malta may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta³.
- (8) The Agreement should be reviewed by the Commission at regular intervals.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes, is approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions regarding the participation of the Republic of Malta in each individual programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where the Republic of Malta requests external assistance, the procedures provided for in Regulation (EC) No 555/2000 and in similar Regulations providing for Community external assistance to the Republic of Malta that may be adopted in the future, shall apply.

³ OJ L 68, 16.3.2000, p. 3

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied, where necessary, by appropriate proposals.

Article 4

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement.⁴

Done at Brussels, [...]

For the Council
The President
[...]

⁴ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

DRAFT FRAMEWORK AGREEMENT

between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as “the Community”,

of the one part, and

THE REPUBLIC OF MALTA, hereinafter referred to as “Malta”,

of the other part,

Whereas:

- (1) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (2) The Helsinki European Council of December 1999 stated that Malta is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries. Building on the existing European strategy, Malta, like other candidate States, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.
- (3) Malta has expressed the wish to participate in a number of Community programmes.
- (4) The specific terms and conditions, including financial contribution, regarding the participation of Malta in each particular programme should be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Malta,

HAVE AGREED AS FOLLOWS:

Article 1

Malta may participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Malta shall contribute financially to the European Union's budget corresponding to the specific programmes in which Malta participates.

Article 3

Malta's representatives shall be allowed to take part, as observers and for the points which concern Malta, in the management committees responsible for monitoring the programmes to which Malta will contribute financially.

Article 4

Projects and initiatives submitted by participants from Malta shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Malta in each particular programme, including the financial contribution payable, shall be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Malta.

If Malta applies for Community external assistance pursuant to Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta, or pursuant to any similar Regulation providing for Community external assistance to Malta that may be adopted in future, the conditions governing the use by Malta of the Community assistance shall be determined in a Financing Memorandum.

Article 6

The Agreement shall apply for an indeterminate period. It may be denounced by either Party by giving 6-months' notice in writing.

Article 7

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, both Contracting Parties may review the implementation of the Agreement on the basis of actual participation of Malta in one or more Community programmes.

Article 8

The Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Malta.

Article 9

The Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

Article 10

The Framework Agreement is drawn up in duplicate in the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish languages, each of these texts being equally authentic.

Done at Brussels, [...]

For the European Community
[...]

For the Republic of Malta
[...]

Proposal for a

COUNCIL DECISION

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(3), 150(3), 151(3), 152(3), 153, 155(3), 157, 170, 174(4) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the assent of the European Parliament²,

Whereas:

- (1) The Resolution of the EU-Turkey Association Council of 6 March 1995 looked forward to initiatives being taken in a number of fields to broaden the scope of EU-Turkey cooperation, including possible participation in certain Community programmes.
- (2) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. At the same time, a European Strategy for the Republic of Turkey was established which allowed the same possibility for that country. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (3) The Helsinki European Council of December 1999 stated that the Republic of Turkey is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries, and that, building on the existing European Strategy, the Republic of Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms and that the Republic of Turkey will also have the opportunity to participate in Community programmes and agencies and in meetings between candidate States and the Union in the context of the accession process.

¹ OJ C [2001], [...], p. [...]

² Opinion delivered on [...] OJ C [2001], [...], p. [...].

- (4) In conformity with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Turkey on the general principles for its participation in Community programmes.
- (5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.
- (6) The specific terms and conditions regarding the participation of the Republic of Turkey in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.
- (7) The Republic of Turkey may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership³, under Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey Customs Union⁴, or under Council Regulation (EC) No 257/2001 of 22 January 2001 regarding the implementation of measures to promote economic and social development in Turkey⁵.
- (8) The Agreement should be reviewed by the Commission at regular intervals.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes, is approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

Article 2

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions regarding the participation of the Republic of Turkey in each individual programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

³ OJ L 189, 30.7.1996, p.1, last amended by Regulation (EC) No 2698/2000, OJ L 311, 12.12.2000, p.1.

⁴ OJ L 94, 14.4.2000, p.6.

⁵ OJ L 39, 9.2.2001, p. 1.

2. Where the Republic of Turkey requests external assistance, the procedures provided for in Regulation (EC) No 1488/96, in Regulation (EC) No 764/2000, in Regulation (EC) No 257/2001, and in similar Regulations providing for Community external assistance to the Republic of Turkey that may be adopted in the future, shall apply.

Article 3

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied, where necessary, by appropriate proposals.

Article 4

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement.⁶

Done at Brussels, [...]

For the Council
The President
[...]

⁶ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

DRAFT FRAMEWORK AGREEMENT

between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as “the Community”

of the one part, and

THE REPUBLIC OF TURKEY, hereinafter referred to as “Turkey”,

of the other part,

Whereas:

- (1) The Resolution of the EU-Turkey Association Council of 6 March 1995 looked forward to initiatives being taken in a number of fields to broaden the scope of EU-Turkey cooperation, including possible participation in certain Community programmes.
- (2) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. At the same time, a European Strategy for Turkey was established which allowed the same possibility for that country. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.
- (3) The Helsinki European Council of December 1999 stated that Turkey is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries, and that, building on the existing European strategy, Turkey, like other candidate States, will benefit from a pre-accession strategy to stimulate and support its reforms, including the opportunity to participate in Community programmes and agencies and that the Republic of Turkey will also have the opportunity to participate in Community programmes and agencies and in meetings between candidate states and the Union in the context of the accession process.
- (4) Turkey has expressed the wish to participate in a number of Community programmes.
- (5) The specific terms and conditions, including financial contribution, regarding the participation of Turkey in each particular programme should be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Turkey,

HAVE AGREED AS FOLLOWS:

Article 1

Turkey may participate in all Community programmes opened to participation of candidate countries of Central and Eastern Europe, in accordance with the provisions adopting these programmes.

Article 2

Turkey shall contribute financially to the European Union's budget corresponding to the specific programmes in which Turkey participates.

Article 3

Turkey's representatives shall be allowed to take part, as observers and for the points which concern Turkey, in the management committees responsible for monitoring the programmes to which Turkey will contribute financially.

Article 4

Projects and initiatives submitted by participants from Turkey shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States.

Article 5

The specific terms and conditions regarding the participation of Turkey in each particular programme, including the financial contribution payable, will be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Turkey.

If Turkey applies for Community external assistance on the basis of Council Regulation (EC) No 390/2001 of 26 February 2001 on assistance to Turkey in the framework of the pre-accession strategy and in particular on the establishment of an Accession Partnership pursuant to Council Regulation (EC) No 1488/96 of 23 July 1996 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership, or Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey Customs Union, or Council Regulation (EC) No 257/2001 of 22 January 2001 regarding the implementation of measures to promote economic and social development in Turkey, or pursuant to any similar Regulation providing for Community external assistance to Turkey that may be adopted in future, the conditions governing the use by Turkey of the Community assistance shall be determined in a Financing Memorandum.

Article 6

The Agreement shall apply for an indeterminate period. It may be denounced by either Party by giving 6-months notice in writing.

Article 7

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, both Contracting Parties may review the implementation of the Agreement on the basis of actual participation of Turkey in one or more Community programmes.

Article 8

The Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Turkey.

Article 9

The Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

Article 10

The Agreement is drawn up in duplicate in the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish Swedish and Turkish languages, each of these texts being equally authentic.

Done at Brussels, [...]

For the European Community
[...]

For the Republic of Turkey
[...]