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

(2001/C 304 E/27)

COM(2001) 481 final — 2001/0195(AVC)

(Submitted by the Commission on 23 August 2001)

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 Commission,

Having regard to the assent of the European Parliament,

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.

(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 partnership [1], under Council Regulation (EC) No 764/2000 of 10 April 2000 regarding the implementation of measures to intensify the EC-Turkey Customs Union [2], or under Council Regulation (EC) No 257/2001 of 22 January 2001 regarding the implementation of measures to promote economic and social development in Turkey [3].

(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.

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

[2] OJ L 94, 14.4.2000, p. 6.

[3] OJ L 39, 9.2.2001, p. 1.

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.

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 [1].

[1] 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.