Proposal for a 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

(2001/C 304 E/25)

COM(2001) 481 final — 2001/0193(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 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.

(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 Malta [1].

(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.

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 [2].

[1] OJ L 68, 16.3.2000, p. 3.

[2] 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.