COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.11.2007
COM(2007) 713 final

2007/0241 (AVC)

Proposal for a

COUNCIL DECISION

on the signing and provisional application 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 State of Israel, of the other part, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes

Proposal for a

COUNCIL DECISION

on the conclusion 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 State of Israel, of the other part, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes

(presented by the Commission)

EXPLANATORY MEMORANDUM

As part of the European Neighbourhood Policy, the gradual opening-up of certain Community programmes and agencies to the participation of ENP partner countries represents one of many measures designed to promote reform, modernisation and transition in the European Union's neighbourhood. This policy aspect is outlined in the Commission Communication "on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes"[1].

The Council endorsed this approach on 5 March 2007[2].

On the basis of that Communication and those conclusions, the Council, on 18 June 2007, 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 governing their participation in Community programmes[3].

The June 2007 European Council[4] reaffirmed the paramount importance of the European Neighbourhood Policy and endorsed a Presidency Progress Report[5] that had been submitted to the General Affairs and External Relations Council (GAERC) meeting on 18/19 June as well as the related Council Conclusions[6]. This report mentioned the Council directives for negotiating relevant additional protocols, identifying Israel, Morocco and Ukraine as being likely to be the first partner countries to benefit from these measures.

Negotiations with Israel have since been completed to the satisfaction of the Commission. The text of the Protocol negotiated with Israel is attached.

The Commission herewith submits proposals for (1) a Council Decision on the signing of the Protocol and (2) a Council Decision on the conclusion of the Protocol. This Protocol contains a Framework Agreement on the general principles governing Israel's participation in Community programmes. It contains standard stipulations that are intended to be applied to all ENP partner countries with which such protocols are to be concluded. The negotiated text also allows the Parties to provisionally apply the provisions of the Protocol from the date of its signature. This is particularly relevant in the case of Israel.

According to Article 300(3) TEC, the European Parliament will be requested to give its assent to this Protocol.

The Council is invited to adopt the following proposed Decisions.

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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.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 thereof in connection with Article 300(2) first paragraph, first and second sentence,

Having regard to the proposal from the Commission,

Whereas:

(1) On 18 June 2007 the Council authorised the Commission to negotiate a Protocol to the Euro-Mediterranean Association Agreement with Israel on a Framework Agreement on the general principles for its participation in Community programmes.

(2) These negotiations have been concluded to the satisfaction of the Commission.

(3) The text of the Protocol negotiated with the State of Israel provides, in Article 10, for the provisional application of the Protocol before its entry into force.

(4) Subject to its conclusion at a later date, the Protocol should be signed on behalf of the Community and its Member States and applied provisionally,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States and the State of Israel, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes.

Article 2

This Protocol shall apply provisionally as from the date of its signature, subject to its conclusion at a later date.

Done at Brussels,

For the Council
The President

2007/0241 (AVC)

Proposal for a

COUNCIL DECISION

on the conclusion 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 State of Israel, of the other part, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 thereof in connection with Articles 300(2), first paragraph, first and second sentence, and 300(3),

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

(1) The Protocol to the Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, was signed on behalf of the European Community and its Member States on [insert date of signature].

(2) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes is hereby approved on behalf of the European Community and its Member States. The text of the Protocol is attached to this Decision.

Done at Brussels,

For the Council
The President

PROTOCOL

to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a Framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as "the Community",

of the one part,

and

the State of Israel, hereinafter referred to as "Israel",

of the other part

Whereas:

(1) Israel entered into a Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and Israel, of the other part, on 20 November 1995 (Official Journal of the European Communities L 147/3 of 21 June 2000).

(2) The Brussels European Council of 17/18 June 2004 welcomed the Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the related Council conclusions of 14 June 2004.

(3) The Council has, on numerous further occasions, adopted conclusions in favour of this policy.

(4) The Council, on 5 March 2007, expressed support for the general and global approach outlined in the Commission's Communication of 4 December 2006, COM (2006) 724 final, to enable ENP partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.

(5) Israel has expressed its wish to participate in a number of Community programmes.

(6) The specific terms and conditions, including financial contribution and reporting and evaluation procedures, regarding Israel's participation in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and Israel,

HAVE AGREED AS FOLLOWS:

Article 1

Israel shall be allowed to participate in all current and future Community programmes opened to the participation of Israel in accordance with the provisions adopting these programmes.

Article 2

Israel shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Israel participates.

Article 3

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

Article 4

Projects and initiatives submitted by participants from Israel 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 Israel's participation in each programme, in particular the financial contribution payable and reporting and evaluation procedures, will be determined by agreement between the Commission, acting on behalf of the Community, and the competent authorities of Israel (Memorandum of Understanding).

If Israel applies for Community external assistance to participate in a given Community programme on the basis of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for Community external assistance to Israel that may be adopted in the future, the conditions governing the use by Israel of the Community assistance shall be determined in a financing agreement.

Article 6

Each Memorandum of Understanding shall stipulate, in accordance with the Community's Financial Regulation, that financial control or audits will be carried out by, or under the authority of, the European Commission, OLAF and the Court of Auditors.

Detailed provision shall be made for financial control and auditing, administrative measures, penalties and recovery enabling the European Commission, OLAF and the Court of Auditors

to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Community.

Article 7

The present Framework Agreement (hereinafter referred to as "Agreement") shall apply for the period for which the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, is in force.

This Protocol shall be signed and approved by the Community and by Israel in accordance with their respective procedures.

Either Contracting Party may denounce this Agreement by written notification to the other Party. This Agreement shall be terminated six months after the date of such notification.

Article 8

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

Article 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community (or its successor treaty) is applied and under the conditions laid down in that Treaty, and, on the other hand, to the territory of Israel.

Article 10

This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.

Pending its entry into force, the Parties agree that, notwithstanding the completion of their internal procedures, they shall provisionally apply the provisions of this Protocol from the date of its signature, subject to its conclusion at a later date.

Article 11

This Agreement is drawn up in duplicate in each of the official languages of the Contracting Parties.

Each of the language texts is equally authentic.

Article 12

This Agreement shall form an integral part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part.

Done at Brussels, [date]

For the Government of Israel

For the European Community