

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 27.10.2004
COM(2004) 729 final

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Albania on the general principles for the participation of Albania in Community programmes

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes

Proposal for a

COUNCIL DECISION

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

Proposal for a

COUNCIL DECISION

concerning the signing of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the former Yugoslav Republic of Macedonia on the general principles for the participation of the former Yugoslav Republic of Macedonia in Community programmes

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. The "Thessaloniki Agenda for the Western Balkans: moving towards European integration", endorsed at the European Council on 20 June 2003, confirmed the European prospects of the Western Balkan countries participating in the stabilisation and association process (SAP). To give them a practical and operational foothold in the EU, the Agenda provides for Community programmes to be opened up to the SAP countries along the lines established for the participation of candidate countries.

2. In its communication of 3 December 2003 entitled "Preparing for the participation of the Western Balkan countries in Community programmes and agencies",[1] the Commission advocated following the approach taken with Cyprus, Malta and Turkey[2] and concluding with Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro framework agreements laying down the general principles governing each country's participation in Community programmes. In the case of Croatia and the former Yugoslav Republic of Macedonia, the framework agreement will be an integral part of their Stabilisation and Association Agreements (SAA).

3. On 5 March 2004 the Commission sent the Council a recommendation for the adoption of negotiating directives, and on 29 April 2004 the Council adopted the decision authorising the Commission to negotiate framework agreements with Albania, Bosnia and Herzegovina, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro on their participation in Community programmes and approving negotiating directives.

4. The framework agreements have been negotiated in accordance with the negotiating directives annexed to the Council's decision of 29 April 2004. The negotiations have resulted in the draft framework agreements annexed to this communication. These framework agreements have been initialled by the authorised representatives of both parties. Agreements were initialled with Albania on 2 September 2004, with Bosnia and Herzegovina on 30 September 2004, with Croatia on 30 July 2004, with the former Yugoslav Republic of Macedonia on 25 October 2004 and with Serbia and Montenegro on 4 October 2004.

5. The draft framework agreements lay down the general principles and the general terms and conditions for the participation of the Western Balkan countries in Community programmes, and in particular:

   (a) the Community programmes concerned: programmes now running are listed in Annex I; future programmes must include a clause providing for the participation of the Western Balkan countries;

   (b) the principle of a prior contribution to the Community budget and the application of financial control and audit rules;

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[1] COM(2003) 748 of 3.12.2003.

[2] OJ L 34, 5.2.2002 (Cyprus); OJ L 17, 19.1.2002 (Malta); OJ L 61, 2.3.2002 (Turkey).

(c) the invitation of representatives of the signatory countries to attend, as observers, meetings of the programme committees on issues that concern them;

(d) the application, where possible, to projects and initiatives submitted by participants from the signatory countries of the same conditions, rules and procedures pertaining to the programmes concerned as are applied to Member States, especially with regard to the submission, assessment and selection of applications and projects;

(e) the application of the framework agreements for an indeterminate period, subject to a traditional denunciation clause;

(f) the subsequent drafting, in memoranda of understanding between the European Commission and the authorities of the signatory countries, of detailed arrangements for their participation in a given Community programme, including the specific duration of such participation.

6. In the light of the above considerations, the Commission proposes that the Council:

– decide to sign, on behalf of the European Community, the framework agreements between the European Community and Albania, Bosnia and Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro respectively, and

– authorise the President of the Council to designate the person empowered to sign on behalf of the European Community.

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Albania on the general principles for the participation of Albania in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,[1]

Whereas:

(1) The Commission has negotiated on behalf of the Community a Framework Agreement with Albania on the general principles for its participation in Community programmes.

(2) Subject to its conclusion at a later date, the agreement initialled on 2 September 2004 should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and Albania on the general principles for the participation of Albania in Community programmes.

Done at Brussels,

For the Council
The President

[1] OJ C […], […], p. […].

FRAMEWORK AGREEMENT

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

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', on the one part, and the REPUBLIC OF ALBANIA, hereinafter referred to as 'Albania', on the other part, both parties hereinafter referred to as "the Contracting Parties"

Whereas:

1. The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.

2. The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their future accession and endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration", which aims to further strengthen the privileged relations between the EU and the Western Balkans drawing on the enlargement experience.

3. The Thessaloniki Agenda invited the Western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.

4. Albania has expressed its wish to participate in a number of Community programmes.

5. The specific terms and conditions, including financial contribution, regarding the participation of Albania in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the Government of Albania,

HAVE AGREED AS FOLLOWS:

Article 1

Albania shall be allowed to participate in the following Community programmes:

1. The running Community programmes which are listed in Annex I, which are open to the participation of Albania once the present agreement (hereinafter referred to as 'the Agreement') enters into force.

2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Albania.

Article 2

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

Article 3

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

Article 4

Projects and initiatives submitted by participants from Albania 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 Albania in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and the Government of Albania.

If Albania applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Albania that may be adopted in future, the conditions governing the use by Albania of the Community assistance shall be determined in a financing agreement.

Article 6

The 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 of the European Communities.

Detailed provisions shall be made on 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 Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate 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 actual participation of Albania 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 is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Albania.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Albanian languages.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the Official Journal of the European Union, the agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Done at

For the Government of the Republic of Albania

For the European Community

ANNEX I

LIST OF RUNNING COMMUNITY PROGRAMMES REFFERED TO IN ARTICLE 1

- Combating Discrimination (2001-2006)[1]
- Combating Social Exclusion (2002-2006)[2]
- Community actions in support of consumer policy (2004-2007)[3]
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)[4]
- Community action programme to promote active European citizenship (2004-2006)[5]
- Community action in the field of public health (2003-2008)[6]
- Culture 2000 (2000-2006)[7]
- Customs (2003-2007)[8]
- Daphne II programme (2004-2008)[9]
- eContent Plus (2004-2008)[10]
- eLearning (2004-2006)[11]
- Erasmus Mundus (2004-2008)[12]
- Fiscalis programme (2003-2007)[13]
- Gender Equality (2001-2006)[14]
- Hercule programme (2004-2006)[15]
- Intelligent Energy Europe (2003-2006)[16]
- Life (2000-2006)[17]
- Leonardo da Vinci II (2000-2006)[18]
- Marco Polo Programme (2003-2010)[19]
- Media Plus[20] / Media Training[21] (2001-2006)
- Safer Internet plus (2005-2008)[22]
- Sixth RTD Framework Programme (2002-2006)[23]
- Socrates II (2000-2006)[24]
- Youth (2000-2006)[25]

[1]Cf. Council Decision No 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) - *OJ L 303/2000*

[2] Cf. Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion - *OJ L 10/2002*

[3] Cf. Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (Text with EEA relevance) -*OJ L 05/2004*

[4] Cf. Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training - *OJ L 138/2004*

[5] Cf. Council Decision No 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) - *OJ L 030/2004*

[6] Cf. Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) - *OJ L 271/2002*

[7] Cf. Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme - *OJ L 63/2000* and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (Text with EEA relevance) - *OJ L 99/2004*

[8] Cf. Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) - *OJ L 36/2003*

[9] Cf. Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) - *OJ L 143/2004*

[10] awaiting adoption – Cf. COM [2004] 96 – 2004/0025/COD

[11] Cf. Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) - *OJ L 345/2003*

[12] Cf. Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) – *OJ L 345/2003*

[13] Cf. Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) - *OJ L 341/2002*

[14] Cf. Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) - *OJ L 017//2001* as amended by Council Decision of […] - *OJ L […] [extension until end 2006 under preparation – Cf. COM(2004)551 – 2004/0194/COD]*

[15] Cf. Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) - *OJ L 143/2004*

[16] Cf. Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: "Intelligent Energy - Europe" (2003 - 2006) (Text with EEA relevance) - *OJ L 176/2003*

[17] Cf. Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) - *OJ L 192/2000* as amended by Regulation (EC) No 1682/2004 of 15 September 2004 - *OJ L 308/2004*

[18] Cf. Council Decision N°1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - *OJ L 146/1999*

[19] Cf. Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) - *OJ L196/2003*

[20] Cf. Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus Development, Distribution and Promotion) (2001-2005) (OJ L 336 of 30.12.2000) – *OJ L 013/2001* as amended by Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[21] Cf. Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) - *OJ L 026/2001* as amended by Decision No 845/2004 of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[22] awaiting adoption – Cf. COM [2004] 91– 2004/0023/COD

[23] Cf. Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) - *OJ L 232/2002*

[24] Cf. Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' - *OJ L28/2000*

[25] Cf. Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme - *OJ L 117/2000*

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,[1]

Whereas:

(1) The Commission has negotiated on behalf of the Community a Framework Agreement with Bosnia and Herzegovina on the general principles for its participation in Community programmes.

(2) Subject to its conclusion at a later date, the agreement initialled on 30 September 2004 should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes.

Done at Brussels,

For the Council
The President

[1] OJ C […], […], p. […].

FRAMEWORK AGREEMENT

between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', on the one part, and Bosnia and Herzegovina on the other part, hereinafter referred to as "the Contracting Parties"

Whereas:

(1) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.

(2) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their future accession and endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration", which aims to further strengthen the privileged relations between the EU and the Western Balkans drawing on the enlargement experience.

(3) The Thessaloniki Agenda invited the Western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.

(4) Bosnia and Herzegovina has expressed its wish to participate in a number of Community programmes.

(5) The specific terms and conditions, including financial contribution, regarding the participation of Bosnia and Herzegovina in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and Bosnia and Herzegovina,

HAVE AGREED AS FOLLOWS:

Article 1

Bosnia and Herzegovina shall be allowed to participate in the following Community programmes:

(1) The running Community programmes which are listed in Annex I, which are open to the participation of Bosnia and Herzegovina once the present agreement (hereinafter referred to as 'the Agreement') enters into force.

(2) Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Bosnia and Herzegovina.

Article 2

Bosnia and Herzegovina shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

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

Article 4

Projects and initiatives submitted by participants from Bosnia and Herzegovina 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 Bosnia and Herzegovina in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Bosnia and Herzegovina.

If Bosnia and Herzegovina applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000 as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Bosnia and Herzegovina that may be adopted in future, the conditions governing the use by Bosnia and Herzegovina of the Community assistance shall be determined in a financing agreement.

Article 6

The 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 of the European Communities.

Detailed provisions shall be made on 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 Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate 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 actual participation of Bosnia and Herzegovina 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 is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Bosnia and Herzegovina.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and the official languages of Bosnia and Herzegovina.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the Official Journal of the European Union, the agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Done at

For the Government of Bosnia and Herzegovina

For the European Community

ANNEX I

LIST OF RUNNING COMMUNITY PROGRAMMES REFFERED TO IN ARTICLE 1

- Combating Discrimination (2001-2006)[1]
- Combating Social Exclusion (2002-2006)[2]
- Community actions in support of consumer policy (2004-2007)[3]
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)[4]
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[1] Cf. Council Decision No 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) - *OJ L 303/2000*

[2] Cf. Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion - *OJ L 10/2002*

[3] Cf. Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (Text with EEA relevance) -*OJ L 05/2004*

[4] Cf. Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training - *OJ L 138/2004*

[5] Cf. Council Decision No 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) - *OJ L 030/2004*

[6] Cf. Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) - *OJ L 271/2002*

[7] Cf. Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme - *OJ L 63/2000* and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (Text with EEA relevance) - *OJ L 99/2004*

[8] Cf. Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) - *OJ L 36/2003*

[9] Cf. Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) - *OJ L 143/2004*

[10] awaiting adoption – Cf. COM [2004] 96 – 2004/0025/COD

[11] Cf. Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) - *OJ L 345/2003*

[12] Cf. Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) – *OJ L 345/2003*

[13] Cf. Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) - *OJ L 341/2002*

[14] Cf. Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) - *OJ L 017//2001* as amended by Council Decision of […] - *OJ L […] [extension until end 2006 under preparation – Cf. COM(2004)551 – 2004/0194/COD]*

[15] Cf. Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) - *OJ L 143/2004*

[16] Cf. Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: "Intelligent Energy - Europe" (2003 - 2006) (Text with EEA relevance) - *OJ L 176/2003*

[17] Cf. Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) - *OJ L 192/2000* as amended by Regulation (EC) No 1682/2004 of 15 September 2004 - *OJ L 308/2004*

[18] Cf. Council Decision N°1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - *OJ L 146/1999*

[19] Cf. Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) - *OJ L196/2003*

[20] Cf. Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus Development, Distribution and Promotion) (2001-2005) (OJ L 336 of 30.12.2000) – *OJ L 013/2001* as amended by Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[21] Cf. Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) - *OJ L 026/2001* as amended by Decision No 845/2004 of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[22] awaiting adoption – Cf. COM [2004] 91– 2004/0023/COD

[23] Cf. Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) - *OJ L 232/2002*

[24] Cf. Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' - *OJ L28/2000*

[25] Cf. Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme - *OJ L 117/2000*

Proposal for a

COUNCIL DECISION

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,[1]

Whereas:

(1) The Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Croatia on the general principles for its participation in Community programmes.

(2) Subject to its conclusion at a later date, the agreement initialled on 30 July 2004 should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and the Republic of Croatia on the general principles for the participation of the Republic of Croatia in Community programmes.

Done at Brussels,

For the Council
The President

[1] OJ C […], […], p. […].

FRAMEWORK AGREEMENT

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

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', on the one part, and the Republic of Croatia, hereinafter referred to as 'Croatia', on the other part, hereinafter referred to as "the Contracting Parties"

Whereas:

(1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, (hereinafter referred to as 'the SAA') was signed on 29 October 2001,

(2) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.

(3) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their future accession and endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration", which aims to further strengthen the privileged relations between the EU and the Western Balkans drawing on the enlargement experience.

(4) The Thessaloniki Agenda invited the Western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.

(5) The European Council of 17-18 June decided that Croatia is a candidate country for membership and that the accession process should be launched. In this respect it decided to convene a bilateral intergovernmental conference with Croatia early in 2005 in order to begin negotiations.

(6) Croatia has expressed its wish to participate in a number of Community programmes.

(7) The specific terms and conditions, including financial contribution, regarding the participation of Croatia in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and Croatia,

HAVE AGREED AS FOLLOWS:

Article 1

Croatia shall be allowed to participate in the following Community programmes:

1. The running Community programmes which are listed in Annex I, which are open to the participation of Croatia once the present agreement (hereinafter referred to as 'the Agreement') enters into force.

2. Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Croatia.

Article 2

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

Article 3

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

Article 4

Projects and initiatives submitted by participants from Croatia 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 Croatia in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Croatia.

If Croatia applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Croatia that may be adopted in future, the conditions governing the use by Croatia of the Community assistance shall be determined in a financing agreement.

Article 6

The 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 of the European Communities.

Detailed provisions shall be made on 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 Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate 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 actual participation of Croatia 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 is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Croatia.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

1. The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and the Croatian languages.

2. Once the institutions of the European Union will be bound to publish all official acts in Maltese in the Official Journal of the European Union, the agreement will also be drawn up in duplicate in Maltese.

3. Each of the language texts is equally authentic.

Article 12

The Agreement and the Annex thereto shall be added as a protocol to the SAA and shall form an integral part of the SAA.

Done at

For the Government of the Republic of Croatia	*For the European Community*

ANNEX I

LIST OF RUNNING COMMUNITY PROGRAMMES REFFERED TO IN ARTICLE 1

- Combating Discrimination (2001-2006)[1]
- Combating Social Exclusion (2002-2006)[2]
- Community actions in support of consumer policy (2004-2007)[3]
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)[4]
- Community action programme to promote active European citizenship (2004-2006)[5]
- Community action in the field of public health (2003-2008)[6]
- Culture 2000 (2000-2006)[7]
- Customs (2003-2007)[8]
- Daphne II programme (2004-2008)[9]
- eContent Plus (2004-2008)[10]
- eLearning (2004-2006)[11]
- Erasmus Mundus (2004-2008)[12]
- Fiscalis programme (2003-2007)[13]
- Gender Equality (2001-2006)[14]
- Hercule programme (2004-2006)[15]
- Intelligent Energy Europe (2003-2006)[16]
- Life (2000-2006)[17]
- Leonardo da Vinci II (2000-2006)[18]
- Marco Polo Programme (2003-2010)[19]
- Media Plus[20] / Media Training[21] (2001-2006)
- Safer Internet plus (2005-2008)[22]
- Sixth RTD Framework Programme (2002-2006)[23]
- Socrates II (2000-2006)[24]
- Youth (2000-2006)[25]

[1] Cf. Council Decision No 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) - *OJ L 303/2000*

[2] Cf. Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion - *OJ L 10/2002*

[3] Cf. Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (Text with EEA relevance) -*OJ L 05/2004*

[4] Cf. Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training - *OJ L 138/2004*

[5] Cf. Council Decision No 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) - *OJ L 030/2004*

[6] Cf. Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) - *OJ L 271/2002*

[7] Cf. Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme - *OJ L 63/2000* and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (Text with EEA relevance) - *OJ L 99/2004*

[8] Cf. Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) - *OJ L 36/2003*

[9] Cf. Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) - *OJ L 143/2004*

[10] awaiting adoption – Cf. COM [2004] 96 – 2004/0025/COD

[11] Cf. Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) - *OJ L 345/2003*

[12] Cf. Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) – *OJ L 345/2003*

[13] Cf. Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) - *OJ L 341/2002*

[14] Cf. Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) - *OJ L 017//2001* as amended by Council Decision of […] - *OJ L […] [extension until end 2006 under preparation – Cf. COM(2004)551 – 2004/0194/COD]*

[15] Cf. Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) - *OJ L 143/2004*

[16] Cf. Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: "Intelligent Energy - Europe" (2003 - 2006) (Text with EEA relevance) - *OJ L 176/2003*

[17] Cf. Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) - *OJ L 192/2000* as amended by Regulation (EC) No 1682/2004 of 15 September 2004 - *OJ L 308/2004*

[18] Cf. Council Decision N°1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - *OJ L 146/1999*

[19] Cf. Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) - *OJ L196/2003*

[20] Cf. Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus Development, Distribution and Promotion) (2001-2005) (OJ L 336 of 30.12.2000) – *OJ L 013/2001* as amended by Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[21] Cf. Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) - *OJ L 026/2001* as amended by Decision No 845/2004 of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[22] awaiting adoption – Cf. COM (2004) 91– 2004/0023/COD

[23] Cf. Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) - *OJ L 232/2002*

[24] Cf. Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' - *OJ L28/2000*

[25] Cf. Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme - *OJ L 117/2000*

Proposal for a

COUNCIL DECISION

concerning the signing of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the former Yugoslav Republic of Macedonia on the general principles for the participation of the former Yugoslav Republic of Macedonia in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,[1]

Whereas:

(1) The Commission has negotiated on behalf of the Community a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement with the former Yugoslav Republic of Macedonia on the general principles for its participation in Community programmes.

(2) Subject to its conclusion at a later date, the agreement initialled on 25 October 2004 should be signed,

HAS DECIDED AS FOLLOWS :

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the former Yugoslav Republic of Macedonia on the general principles for the participation of the former Yugoslav Republic of Macedonia in Community programmes.

[1] OJ C […], […], p. […].

Done at Brussels,

For the Council
The President

PROTOCOL

to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part,

on a

FRAMEWORK AGREEMENT

between the European Community and the former Yugoslav Republic of Macedonia on the general principles for the participation of the former Yugoslav Republic of Macedonia in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', of the one part, and the former Yugoslav Republic of Macedonia, of the other part, hereinafter referred to as "the Contracting Parties"

Whereas:

(1) the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, (hereinafter referred to as 'the SAA') was signed by Exchange of Letters in Luxemburg on 9 April 2001 and entered into force on 1 April 2004,

(2) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.

(3) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their future accession and endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration", which aims to further strengthen the privileged relations between the EU and the Western Balkans drawing on the enlargement experience.

(4) The Thessaloniki Agenda invited the Western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.

(5) The former Yugoslav Republic of Macedonia has expressed its wish to participate in a number of Community programmes.

(6) The specific terms and conditions, including financial contribution, regarding the participation of the former Yugoslav Republic of Macedonia in each particular programme should be determined by agreement between the Commission of theEuropean Communities, acting on behalf of the Community, and the former Yugoslav Republic of Macedonia.

HAVE AGREED AS FOLLOWS:

Article 1

The former Yugoslav Republic of Macedonia shall be allowed to participate in the following Community programmes:

(a) The running Community programmes which are listed in Annex I, which are open to the participation of the former Yugoslav Republic of Macedonia once the present agreement (hereinafter referred to as 'the Agreement') enters into force.

(b) Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of the former Yugoslav Republic of Macedonia.

Article 2

The former Yugoslav Republic of Macedonia shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

The former Yugoslav Republic of Macedonia's representatives shall be allowed to take part, as observers and for the points which concern the former Yugoslav Republic of Macedonia, in the management committees responsible for monitoring the programmes to which the former Yugoslav Republic of Macedonia contributes financially.

Article 4

Projects and initiatives submitted by participants from the former Yugoslav Republic of Macedonia 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 the former Yugoslav Republic of Macedonia in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and the former Yugoslav Republic of Macedonia.

If the former Yugoslav Republic of Macedonia applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to the former Yugoslav Republic of Macedonia that may be adopted in future, the conditions governing the use by the former Yugoslav Republic of Macedonia of the Community assistance shall be determined in a financing agreement.

Article 6

The 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 of the European Communities.

Detailed provisions shall be made on 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 Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate 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 actual participation of the former Yugoslav Republic of Macedonia 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 is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of the former Yugoslav Republic of Macedonia.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

(1) The Agreement is drawn up in duplicate in each of the official languages of the Contracting Parties with the exception of Maltese.

(2) Once the institutions of the European Union will be bound to publish all official acts in Maltese in the Official Journal of the European Union, the agreement will also be drawn up in duplicate in Maltese.

(3) Each of the language texts is equally authentic.

Article 12

The Agreement and the Annex thereto shall form an integral part of the SAA.

Done at

For the Government of the former Yugoslav Republic of Macedonia

For the European Community

ANNEX I

LIST OF RUNNING COMMUNITY PROGRAMMES REFFERED TO IN ARTICLE 1

- Combating Discrimination (2001-2006)[1]
- Combating Social Exclusion (2002-2006)[2]
- Community actions in support of consumer policy (2004-2007)[3]
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)[4]
- Community action programme to promote active European citizenship (2004-2006)[5]
- Community action in the field of public health (2003-2008)[6]
- Culture 2000 (2000-2006)[7]
- Customs (2003-2007)[8]
- Daphne II programme (2004-2008)[9]
- eContent Plus (2004-2008)[10]
- eLearning (2004-2006)[11]
- Erasmus Mundus (2004-2008)[12]
- Fiscalis programme (2003-2007)[13]
- Gender Equality (2001-2006)[14]
- Hercule programme (2004-2006)[15]
- Intelligent Energy Europe (2003-2006)[16]
- Life (2000-2006)[17]
- Leonardo da Vinci II (2000-2006)[18]
- Marco Polo Programme (2003-2010)[19]
- Media Plus[20] / Media Training[21] (2001-2006)
- Safer Internet plus (2005-2008)[22]
- Sixth RTD Framework Programme (2002-2006)[23]
- Socrates II (2000-2006)[24]
- Youth (2000-2006)[25]

[1] Cf. Council Decision No 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) - *OJ L 303/2000*

[2] Cf. Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion - *OJ L 10/2002*

[3] Cf. Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (Text with EEA relevance) -*OJ L 05/2004*

[4] Cf. Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training - *OJ L 138/2004*

[5] Cf. Council Decision No 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) - *OJ L 030/2004*

[6] Cf. Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) - *OJ L 271/2002*

[7] Cf. Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme - *OJ L 63/2000* and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (Text with EEA relevance) - *OJ L 99/2004*

[8] Cf. Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) - *OJ L 36/2003*

[9] Cf. Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) - *OJ L 143/2004*

[10] awaiting adoption – Cf. COM [2004] 96 – 2004/0025/COD

[11] Cf. Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) - *OJ L 345/2003*

[12] Cf. Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) – *OJ L 345/2003*

[13] Cf. Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) - *OJ L 341/2002*

[14] Cf. Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) - *OJ L 017//2001* as amended by Council Decision of […] - *OJ L […] [extension until end 2006 under preparation – Cf. COM(2004)551 – 2004/0194/COD]*

[15] Cf. Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) - *OJ L 143/2004*

[16] Cf. Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: "Intelligent Energy - Europe" (2003 - 2006) (Text with EEA relevance) - *OJ L 176/2003*

[17] Cf. Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) - *OJ L 192/2000* as amended by Regulation (EC) No 1682/2004 of 15 September 2004 - *OJ L 308/2004*

[18] Cf. Council Decision N°1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - *OJ L 146/1999*

[19] Cf. Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) - *OJ L196/2003*

[20] Cf. Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus Development, Distribution and Promotion) (2001-2005) (OJ L 336 of 30.12.2000) – *OJ L 013/2001* as amended by Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[21] Cf. Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) - *OJ L 026/2001* as amended by Decision No 845/2004 of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[22] awaiting adoption – Cf. COM(2004) 91– 2004/0023/COD

[23] Cf. Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) - *OJ L 232/2002*

[24] Cf. Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' - *OJ L28/2000*

[25] Cf. Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme - *OJ L 117/2000*

Proposal for a

COUNCIL DECISION

concerning the signing of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 71, 80, 95, 127, 137, 149, 150, 151, 152, 153, 157, 166, 175, 280 and 308 in conjunction with the second sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,[1]

Whereas:

(1) The Commission has negotiated on behalf of the Community a Framework Agreement with Serbia and Montenegro on the general principles for its participation in Community programmes.

(2) Subject to its conclusion at a later date, the agreement initialled on 4 October 2004 should be signed,

HAS DECIDED AS FOLLOWS:

Sole Article

Subject to its conclusion at a later date, the President of the Council is hereby authorised to designate the person empowered to sign, on behalf of the European Community, the Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes.

Done at Brussels,

For the Council
The President

[1] OJ C […], […], p. […].

FRAMEWORK AGREEMENT

between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community', on the one part, and 'Serbia and Montenegro', on the other part, hereinafter referred to as "the Contracting Parties".

Whereas:

(1) The European Council in Copenhagen in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union.

(2) The European Council in Thessaloniki in June 2003 acknowledged that the Stabilisation and Association Process will remain the framework for the European course of the Western Balkan countries all the way to their future accession and endorsed "The Thessaloniki Agenda for the Western Balkans: moving towards European integration", which aims to further strengthen the privileged relations between the EU and the Western Balkans drawing on the enlargement experience.

(3) The Thessaloniki Agenda invited the Western Balkan countries to participate in Community programmes and agencies in line with the principles laid down for participation by the candidate countries, aiming to familiarise the countries concerned and their people with the policies and working methods of the EU, thus anchoring them more firmly to the EU and encouraging them on the path towards European integration.

(4) Serbia and Montenegro has expressed its wish to participate in a number of Community programmes.

(5) The specific terms and conditions, including financial contribution, regarding the participation of Serbia and Montenegro in each particular programme should be determined by agreement between the Commission of the European Communities, acting on behalf of the Community, and the competent authorities of Serbia and Montenegro.

HAVE AGREED AS FOLLOWS:

Article 1

Serbia and Montenegro shall be allowed to participate in the following Community programmes:

(a) The running Community programmes which are listed in Annex I, which are open to the participation of Serbia and Montenegro once the present agreement (hereinafter referred to as 'the Agreement') enters into force.

(b) Community Programmes established or renewed after the entry into force of the Agreement and which contain an opening clause which foresees the participation of Serbia and Montenegro.

Article 2

Serbia and Montenegro shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which it participates.

Article 3

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

Article 4

Projects and initiatives submitted by participants from Serbia and Montenegro 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 Serbia and Montenegro in each particular programme, in particular the financial contribution payable, will be determined by agreement, in the form of a Memorandum of Understanding, between the Commission, acting on behalf of the Community, and Serbia and Montenegro.

If Serbia and Montenegro applies for Community external assistance on the basis of Council Regulation (EC) No 2666/2000 of 5 December 2000, as amended by Council Regulation (EC) No 2415/2001 of 10 December 2001 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia or pursuant to any similar Regulation providing for Community external assistance to Serbia and Montenegro that may be adopted in future, the conditions governing the use by Serbia and Montenegro of the Community assistance shall be determined in a Financing Agreement.

Article 6

The 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 of the European Communities.

Detailed provisions shall be made on 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 Agreement shall apply for an indeterminate period.

Either Contracting Party may denounce this Agreement by written notification to the other Contracting Party. This Agreement shall terminate 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 actual participation of Serbia and Montenegro 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 is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Serbia and Montenegro.

Article 10

This Agreement shall enter into force on the date of receipt of the last written notification through diplomatic channels by which each Contracting Party informs the other that its procedure for the entry into force of this Agreement has been completed.

Article 11

(1) The Agreement is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and the official language of Serbia and Montenegro.

(2) Once the institutions of the European Union will be bound to publish all official acts in Maltese in the Official Journal of the European Union, the agreement will also be drawn up in duplicate in Maltese.

(3) Each of the language texts is equally authentic.

Done at

For the Council of Ministers of Serbia and Montenegro

For the European Community

ANNEX I

LIST OF RUNNING COMMUNITY PROGRAMMES REFFERED TO IN ARTICLE 1

- Combating Discrimination (2001-2006)[1]
- Combating Social Exclusion (2002-2006)[2]
- Community actions in support of consumer policy (2004-2007)[3]
- Community action programme to promote bodies active at European level and support specific activities in the field of education and training (2004-2006)[4]
- Community action programme to promote active European citizenship (2004-2006)[5]
- Community action in the field of public health (2003-2008)[6]
- Culture 2000 (2000-2006)[7]
- Customs (2003-2007)[8]
- Daphne II programme (2004-2008)[9]
- eContent Plus (2004-2008)[10]
- eLearning (2004-2006)[11]
- Erasmus Mundus (2004-2008)[12]
- Fiscalis programme (2003-2007)[13]
- Gender Equality (2001-2006)[14]
- Hercule programme (2004-2006)[15]
- Intelligent Energy Europe (2003-2006)[16]
- Life (2000-2006)[17]
- Leonardo da Vinci II (2000-2006)[18]
- Marco Polo Programme (2003-2010)[19]
- Media Plus[20] / Media Training[21] (2001-2006)
- Safer Internet plus (2005-2008)[22]
- Sixth RTD Framework Programme (2002-2006)[23]
- Socrates II (2000-2006)[24]
- Youth (2000-2006)[25]

[1] Cf. Council Decision No 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) - *OJ L 303/2000*

[2] Cf. Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion - *OJ L 10/2002*

[3] Cf. Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (Text with EEA relevance) -*OJ L 05/2004*

[4] Cf. Decision No 791/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training - *OJ L 138/2004*

[5] Cf. Council Decision No 2004/100/EC of 26 January 2004 establishing a Community action programme to promote active European citizenship (civic participation) - *OJ L 030/2004*

[6] Cf. Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) - *OJ L 271/2002*

[7] Cf. Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme - *OJ L 63/2000* and Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 amending Decision No 508/2000/EC establishing the Culture 2000 programme (Text with EEA relevance) - *OJ L 99/2004*

[8] Cf. Decision No 253/2003/EC of the European Parliament and of the Council of 11 February 2003 adopting an action programme for customs in the Community (Customs 2007) - *OJ L 36/2003*

[9] Cf. Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) - *OJ L 143/2004*

[10] awaiting adoption – Cf. COM [2004] 96 – 2004/0025/COD

[11] Cf. Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) - *OJ L 345/2003*

[12] Cf. Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008) – *OJ L 345/2003*

[13] Cf. Decision No 2235/2002/EC of the European Parliament and of the Council of 3 December 2002 adopting a Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007) - *OJ L 341/2002*

[14] Cf. Council Decision No 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) - *OJ L 017//2001* as amended by Council Decision of […] - *OJ L […] [extension until end 2006 under preparation – Cf. COM(2004)551 – 2004/0194/COD]*

[15] Cf. Decision No 804/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote activities in the field of the protection of the Community's financial interests (Hercule programme) - *OJ L 143/2004*

[16] Cf. Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: "Intelligent Energy - Europe" (2003 - 2006) (Text with EEA relevance) - *OJ L 176/2003*

[17] Cf. Regulation (EC) No 1655/2000 of the European Parliament and of the Council of 17 July 2000 concerning the Financial Instrument for the Environment (LIFE) - *OJ L 192/2000* as amended by Regulation (EC) No 1682/2004 of 15 September 2004 - *OJ L 308/2004*

[18] Cf. Council Decision N°1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' - *OJ L 146/1999*

[19] Cf. Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) - *OJ L196/2003*

[20] Cf. Corrigendum to Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA Plus Development, Distribution and Promotion) (2001-2005) (OJ L 336 of 30.12.2000) – *OJ L 013/2001* as amended by Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[21] Cf. Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (MEDIA-Training) (2001-2005) - *OJ L 026/2001* as amended by Decision No 845/2004 of the European Parliament and of the Council of 29 April 2004 - *OJ L 157/2004*

[22] awaiting adoption – Cf. COM (2004) 91 – 2004/0023/COD

[23] Cf. Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) - *OJ L 232/2002*

[24] Cf. Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education 'Socrates' - *OJ L28/2000*

[25] Cf. Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the 'Youth' Community action programme - *OJ L 117/2000*