II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2022/886

of 16 May 2022

on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 186 and 212 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter of 14 May 2020, the Faroe Islands expressed their formal interest in becoming associated to Horizon Europe – the Framework Programme for Research and Innovation ('the Horizon Europe Programme') (2021–2027), which was established by Regulation (EU) 2021/695 of the European Parliament and of the Council ([1]).

(2) On 13 July 2021, the Council authorised the opening of negotiations on behalf of the Union with a view to concluding an agreement between the Union and the Faroe Islands on the general principles governing the participation of the Faroe Islands in Union programmes and the association of the Faroe Islands to the Horizon Europe Programme.

(3) The negotiations have been completed, and the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes ('the Agreement') was initialled on 8 October 2021.

(4) The objectives of the Agreement are to establish a lasting framework for cooperation between the Union and the Faroe Islands and to set out the terms and conditions for the participation of the Faroe Islands in the Union programmes which are opened for their participation in accordance with the basic acts establishing Union programmes as defined in the Agreement. Under the Agreement, the Union will carry out cooperation measures with the Faroe Islands pursuant to Article 212 of the Treaty on the Functioning of the European Union. Pursuant to Article 3 of the Agreement, the specific terms and conditions for the participation of the Faroe Islands in any Union programme or activity are subject to the adoption of protocols.

(5) In line with the Council authorisation, the Protocol on the association of the Faroe Islands to Horizon Europe – the Framework Programme for Research and Innovation (2021–2027) was negotiated in parallel to the Agreement and, pursuant to Article 15(9) of the Agreement, forms an integral part thereof.

([1]) Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

(6) The Faroe Islands fulfil the criteria set out in Article 16(1), point (d), of Regulation (EU) 2021/695.

(7) The Agreement complies with Article 16(2) of Regulation (EU) 2021/695, which requires that the association to the Horizon Europe Programme of the third countries under Article 16(1), point (d), of that Regulation be in accordance with the conditions laid down in an agreement covering the participation of such a country or territory to any Union programme, provided that the agreement: ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; lays down the conditions of participation in the Union programmes, including the calculation of financial contributions to individual programmes, and their administrative costs; does not confer on the third country any decision-making power in respect of the Union programme; and guarantees the rights of the Union to ensure sound financial management and to protect the Union's financial interests.

(8) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.

(9) With a view to ensuring uninterrupted cooperation between the Union and the Faroe Islands in the field of research, technological development and innovation, and allowing for the participation of the Faroe Islands in the Horizon Europe Programme from the start of that Programme, the Agreement should be applied retroactively from 1 January 2021 and provisionally, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes ('the Agreement') is hereby authorised, subject to the conclusion of the said Agreement [2].

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

1. The Agreement shall be applied on a provisional basis, in accordance with Article 15(2) thereof, pending the completion of the procedures necessary for its entry into force.

2. The Agreement shall be applied from 1 January 2021, in accordance with Article 15(1) thereof.

Article 4

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 15(2) of the Agreement.

Article 5

This Decision shall enter into force on the date of its adoption.

[2] See page 4 of this Official Journal.

Done at Brussels, 16 May 2022.

For the Council
The President
J. BORRELL FONTELLES