# Proposal for a Council Decision concerning the conclusion of a Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes

(2001/C 304 E/26)

*COM(2001) 481 final — 2001/0194(AVC)*

*(Submitted by the Commission on 23 August 2001)*

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13, 61, 95, 129, 137, 149(3), 150(3), 151(3), 152(3), 153, 155(3), 157, 170, 174(4) and 308, in conjunction with the second sentence of the first subparagraph of Article 300(2), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

(1) The Republic of Malta's decision to reactivate its application for accession to the European Union was welcomed at the European Council in Vienna in December 1998 and in February 1999 the Commission submitted an updated version of its 1993 opinion on the Republic of Malta's application for membership.

(2) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.

(3) The Helsinki European Council of December 1999 stated that the Republic of Malta is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries. Building on the existing European strategy, the Republic of Malta, like other candidate States, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.

(4) In conformity with the negotiating directives adopted by the Council on 5 June 2001, the Commission has negotiated on behalf of the Community a Framework Agreement with the Republic of Malta on the general principles for its participation in Community programmes.

(5) With regard to some of the programmes covered by the Agreement, the Treaty does not provide for powers other than those under Article 308.

(6) The specific terms and conditions regarding the participation of the Republic of Malta in the Community programmes, including the financial contribution payable, should be determined by the Commission on behalf of the Community. For that purpose the Commission should be assisted by a special committee appointed by the Council.

(7) The Republic of Malta may apply for financial assistance for participation in Community programmes under Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta [1].

(8) The Agreement should be reviewed by the Commission at regular intervals.

(9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Framework Agreement between the European Community and the Republic of Malta on the general principles for the participation of the Republic of Malta in Community programmes, is approved on behalf of the Community.

The text of the Agreement is attached to this Decision.

*Article 2*

1. The Commission is authorised to determine, on behalf of the Community, the specific terms and conditions regarding the participation of the Republic of Malta in each individual programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

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

2. Where the Republic of Malta requests external assistance, the procedures provided for in Regulation (EC) No 555/2000 and in similar Regulations providing for Community external assistance to the Republic of Malta that may be adopted in the future, shall apply.

*Article 3*

No later than three years after the date of entry into force of the Agreement, and every three years thereafter, the Commission shall review the implementation of the Agreement and report thereon to the Council. The report shall be accompanied, where necessary, by appropriate proposals.

*Article 4*

The President of the Council is authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

*Article 5*

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 9 of the Agreement [1].

[1] The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

# DRAFT FRAMEWORK AGREEMENT

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

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

of the one part, and

THE REPUBLIC OF MALTA, hereinafter referred to as 'Malta',

of the other part,

Whereas:

(1) The European Council in Luxembourg in December 1997 made participation in the Community programmes a way of stepping-up the enhanced pre-accession strategy for candidate countries, this participation being determined case-by-case. Following the European Council meetings in Helsinki in December 1999 and, in particular, in Nice in December 2000, the case-by-case approach in this field could be shifted to a far-reaching one embracing most of the Community programmes.

(2) The Helsinki European Council of December 1999 stated that Malta is a candidate country destined to join the Union on the basis of the same criteria applied to the other candidate countries. Building on the existing European strategy, Malta, like other candidate States, benefits from a pre-accession strategy to prepare for accession, including the opportunity to participate in Community programmes and agencies.

(3) Malta has expressed the wish to participate in a number of Community programmes.

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

HAVE AGREED AS FOLLOWS:

*Article 1*

Malta may participate in all Community programmes opened to participation of candidate countries of central and eastern Europe, in accordance with the provisions adopting these programmes.

*Article 2*

Malta shall contribute financially to the European Union's budget corresponding to the specific programmes in which Malta participates.

*Article 3*

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

*Article 4*

Projects and initiatives submitted by participants from Malta 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 Malta in each particular programme, including the financial contribution payable, shall be determined by agreement between the European Commission, acting on behalf of the Community, and the competent authorities of Malta.

If Malta applies for Community external assistance pursuant to Council Regulation (EC) No 555/2000 of 13 March 2000 regarding the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta, or pursuant to any similar Regulation providing for Community external assistance to Malta that may be adopted in future, the conditions governing the use by Malta of the Community assistance shall be determined in a Financing Memorandum.

*Article 6*

The Agreement shall apply for an indeterminate period. It may be denounced by either Party by giving 6-months' notice in writing.

*Article 7*

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

*Article 8*

The Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Malta.

*Article 9*

The Agreement shall enter into force on the day on which the Contracting Parties have notified each other of the completion of their respective procedures.

*Article 10*

The Framework Agreement is drawn up in duplicate in the Spanish, Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish languages, each of these texts being equally authentic.