II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2023/1475

of 15 May 2023

on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand 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 6 December 2021, New Zealand expressed its formal interest in becoming associated to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) established by Regulation (EU) 2021/695 of the European Parliament and of the Council ([1]) (the 'Horizon Europe Programme').

(2) On 9 September 2022, the Council, by virtue of Decision (EU) 2022/1527 ([2]), authorised the opening of negotiations with New Zealand, on behalf of the Union, for an agreement on the general principles for the participation of New Zealand in Union programmes and on the association of New Zealand to the Horizon Europe Programme.

(3) The negotiations have been completed and the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes (the 'Agreement') was initialled on 22 December 2022.

(4) The objectives of the Agreement are to establish a lasting framework for cooperation between the Union and New Zealand and to set out the terms and conditions for the participation of New Zealand in the Union programmes which are opened for its 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 New Zealand 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 New Zealand in any Union programme or activity are subject to the adoption of Protocols to the Agreement.

([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).

([2]) Council Decision (EU) 2022/1527 of 9 September 2022 authorising the opening of negotiations with New Zealand for an Agreement on the general principles for the participation of New Zealand in Union programmes and on the association of New Zealand to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) (OJ L 237, 14.9.2022, p. 18).

(5) In line with the Council's authorisation, the Protocol on the association of New Zealand 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. New Zealand is to participate in and contribute to Pillar II of the Horizon Europe Programme.

(6) New Zealand fulfils 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 each 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 the timely cooperation between the Union and New Zealand in the field of research, technological development and innovation, and allowing for the timely participation of New Zealand entities in the Horizon Europe Programme, the Agreement should be applied on a provisional basis, 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 New Zealand, of the other part, on the participation of New Zealand in Union programmes (the 'Agreement') is hereby authorised, subject to the conclusion of the said Agreement ([3]).

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

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.

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.

([3]) See page 4 of this Official Journal.

Done at Brussels, 15 May 2023.

For the Council
The President
J. FORSSMED