



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.12.2004
COM(2004) 809 final

2004/0276 (AVC)
2004/0277 (AVC)
2004/0278 (AVC)
2004/0279 (AVC)
2004/0280 (AVC)

Proposal for a

COUNCIL DECISION

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

Proposal for a

COUNCIL DECISION

concerning the conclusion 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 conclusion 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 conclusion 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 conclusion 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 Turkey² 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. Agreements were initialled by the authorised representatives of both parties. The agreement with Albania was initialled 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;

¹ COM (2003) 748 of 3.12.2003

² OJ L 34, 5.2.2002, p. 17 (Cyprus); OJ L 17, 19.1.2002, p. 54 (Malta); OJ L 61, 2.3.2002, p. 27 (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. The framework agreements were signed, on behalf of the European Community, on 22 November 2004.
7. In the light of the above considerations, the Commission proposes that the Council:
- approve, on behalf of the Community, after consultation of the European Parliament for assent, the Framework Agreements between the European Community and the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro, and
 - notify the authorities of the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the Former Yugoslav Republic of Macedonia and Serbia and Montenegro that the European Community has completed the procedures necessary for the entry into force of the Framework Agreements.

Proposal for a

COUNCIL DECISION

concerning the conclusion of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic 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), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,³

Having regard to the assent of the European Parliament;⁴

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the “Thessaloniki Agenda for the Western Balkans: moving towards European integration,” which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on “Preparing for the participation of the Western Balkan countries in Community programmes and agencies”,⁵ the Commission advocated 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.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with the Republic of Albania on the general principles for its participation in Community programmes.
- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

⁵ COM (2003) 748 of 3.12.2003

- (5) With regard to some 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 Albania 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) Albania may request financial assistance for participating in Community programmes under Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or under any similar Regulation providing for Community external assistance for Albania that may be adopted in future.
- (8) The application of the Agreement must be reviewed periodically.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Framework Agreement between the European Community and Albania on the general principles for the participation of Albania 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 applicable to the participation of Albania in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where Albania requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Albania 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 shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Brussels, [...]

*For the Council
The President*

Proposal for a

COUNCIL DECISION

concerning the conclusion 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), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,⁶

Having regard to the assent of the European Parliament;⁷

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the “Thessaloniki Agenda for the Western Balkans: moving towards European integration,” which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on “Preparing for the participation of the Western Balkan countries in Community programmes and agencies”,⁸ the Commission advocated 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.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Bosnia and Herzegovina on the general principles for its participation in Community programmes.
- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

⁶ OJ C [...], [...], p. [...].

⁷ OJ C [...], [...], p. [...].

⁸ COM (2003) 748 of 3.12.2003

- (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 Bosnia and Herzegovina 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) Bosnia and Herzegovina may request financial assistance for participating in Community programmes under Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or under any similar Regulation providing for Community external assistance for Bosnia and Herzegovina that may be adopted in future.
- (8) The application of the Agreement must be reviewed periodically.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

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 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 applicable to the participation of Bosnia and Herzegovina in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where Bosnia and Herzegovina requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Bosnia and Herzegovina 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 shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Brussels, [...]

*For the Council
The President*

Proposal for a

COUNCIL DECISION

concerning the conclusion 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), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,⁹

Having regard to the assent of the European Parliament;¹⁰

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the “Thessaloniki Agenda for the Western Balkans: moving towards European integration,” which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on “Preparing for the participation of the Western Balkan countries in Community programmes and agencies”,¹¹ the Commission advocated 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.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Croatia on the general principles for its participation in Community programmes.
- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

⁹ OJ C [...], [...], p. [...].

¹⁰ OJ C [...], [...], p. [...].

¹¹ COM (2003) 748 of 3.12.2003

- (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 Croatia 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) Croatia may request financial assistance for participating in Community programmes under Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or under any similar Regulation providing for Community external assistance for Croatia that may be adopted in future.
- (8) The Framework Agreement will be added as a protocol to the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and Croatia, of the other part, signed on 29 October 2001, and will be an integral part thereof.
- (9) The application of the Agreement must be reviewed periodically.
- (10) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

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 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 applicable to the participation of the Republic of Croatia in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where the Republic of Croatia requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to the Republic of Croatia 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 shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Brussels, [...]

*For the Council
The President*

Proposal for a

COUNCIL DECISION

concerning the conclusion 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), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,¹²

Having regard to the assent of the European Parliament;¹³

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the “Thessaloniki Agenda for the Western Balkans: moving towards European integration,” which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on “Preparing for the participation of the Western Balkan countries in Community programmes and agencies”,¹⁴ the Commission advocated 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.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the European Community, negotiated 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 on the general principles for

¹² OJ C [...], [...], p. [...].

¹³ OJ C [...], [...], p. [...].

¹⁴ COM (2003) 748 of 3.12.2003

the participation of the former Yugoslav Republic of Macedonia in Community programmes;

- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.
- (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 former Yugoslav Republic of Macedonia 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 former Yugoslav Republic of Macedonia may request financial assistance for participating in Community programmes under Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or under any similar Regulation providing for Community external assistance for the former Yugoslav Republic of Macedonia that may be adopted in future.
- (8) The application of the Agreement must be reviewed periodically.
- (9) The Protocol will be an integral part of the Stabilisation and Association Agreement (SAA) between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, which entered into force on 1 April 2004.
- (10) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

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 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 applicable to the participation of the former Yugoslav Republic of Macedonia in any given programme, including the financial contribution

payable. The Commission shall be assisted in this task by a special committee appointed by the Council.

2. Where the former Yugoslav Republic of Macedonia requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to the former Yugoslav Republic of Macedonia 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 shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Brussels, [...]

For the Council
The President

Proposal for a

COUNCIL DECISION

concerning the conclusion 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), the second subparagraph of Article 300(3), and Article 300(4) thereof,

Having regard to the proposal from the Commission,¹⁵

Having regard to the assent of the European Parliament;¹⁶

Whereas:

- (1) The Thessaloniki European Council of June 2003 approved the “Thessaloniki Agenda for the Western Balkans: moving towards European integration,” which provided for Community programmes to be opened up to the Stabilisation and Association Process (SAP) countries along the lines established for the participation of candidate countries.
- (2) In its communication on “Preparing for the participation of the Western Balkan countries in Community programmes and agencies”,¹⁷ the Commission advocated 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.
- (3) In accordance with the negotiating directives adopted by the Council on 29 April 2004, the Commission, on behalf of the Community, has negotiated a Framework Agreement with Serbia and Montenegro on the general principles for its participation in Community programmes.
- (4) This Agreement was signed, on behalf of the Community, on 22 November 2004 in Brussels, subject to conclusion at a later date.

¹⁵ OJ C [...], [...], p. [...].

¹⁶ OJ C [...], [...], p. [...].

¹⁷ COM (2003) 748 of 3.12.2003

- (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 Serbia and Montenegro 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) Serbia and Montenegro may request financial assistance for participating in Community programmes under Regulation (EC) No 2666/2000 of 5 December 2000 on assistance for Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the Former Yugoslav Republic of Macedonia or under any similar Regulation providing for Community external assistance for Serbia and Montenegro that may be adopted in future.
- (8) The application of the Agreement must be reviewed periodically.
- (9) The Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

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 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 applicable to the participation of Serbia and Montenegro in any given programme, including the financial contribution payable. The Commission shall be assisted in this task by a special committee appointed by the Council.
2. Where Serbia and Montenegro requests external assistance, the procedures provided for in Regulation (EC) No 2666/2000, and in similar Regulations providing for Community external assistance to Serbia and Montenegro 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 shall, on behalf of the Community, give the notifications provided for in Article 10 of the Agreement.

Done at Brussels, [...]

*For the Council
The President*