



Brussels, 6.12.2013
COM(2013) 865 final

2013/0420 (NLE)

Proposal for a

COUNCIL DECISION

on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes

EXPLANATORY MEMORANDUM

As part of the European Neighbourhood Policy (ENP), the gradual opening-up of certain Union programmes and agencies to the participation of ENP partner countries represents one of many measures to promote reform, modernisation and transition in the European Union's neighbourhood. The Commission outlined this policy aspect more extensively in its Communication of December 2006 "on the general approach to enable European Neighbourhood Policy partner countries to participate in Community agencies and Community programmes"¹.

The Council endorsed this approach in conclusions on 5 March 2007².

Based upon this Communication and those conclusions, the Council, on 18 June 2007, issued directives to the Commission to negotiate Framework Agreements with Algeria, Armenia, Azerbaijan, Egypt, Georgia, Israel, Jordan, Lebanon, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine, on the general principles for their participation in Community programmes³.

The June 2007 European Council⁴ reaffirmed the paramount importance of the ENP and endorsed a Presidency Progress Report⁵ that had been submitted to the General Affairs and External Relations Council (GAERC) meeting on 18/19 June 2007 as well as the related Council Conclusions⁶. This report recalled the Council directives to negotiate relevant additional protocols.

The Joint Communication by the Commission and the High Representative of the European Union for Foreign Affairs and Security Policy "A new response to a changing Neighbourhood"⁷, endorsed by Council Conclusions on 20 June 2011, further stressed the EU's intention to facilitate partner countries' participation in EU programmes.

In September 2011, the participants of the Eastern Partnership's Warsaw Summit agreed to facilitate participation by partner countries in EU programmes and agencies.

To date, Protocols have been signed with Armenia⁸, Israel⁹, Jordan¹⁰, Moldova¹¹ Morocco¹², and Ukraine¹³.

In October 2012, Azerbaijan expressed its interest to participate in the broad range of programmes open to partner countries of the European Neighbourhood Policy. The text of the Protocol negotiated with Azerbaijan is attached.

¹ COM (2006) 724 final of 4 December 2006.

² GAERC conclusions of 5 March 2007.

³ Council Decision (restricted) authorising the Commission to negotiate Protocols [...], Doc 10412/07.

⁴ Presidency Conclusions – Brussels, 21/22 June 2007, Doc 11177/07.

⁵ Presidency Progress Report on "Strengthening the European Neighbourhood Policy", Doc 10874/07.

⁶ Conclusions on Strengthening the European Neighbourhood Policy, adopted by the Council (General Affairs and External Relations) on 18 June 2007, Doc 11016/07.

⁷ COM (2011) 303 final of 25 May 2011.

⁸ *[to complete with OJ reference once published]*

⁹ OJEU L129/39 of 17.5.2008;

¹⁰ *[to complete with OJ reference once published]*

¹¹ OJEU L14/5 of 19.01.2011, OJEU L131/1 of 18.05.2011, entry into force on 01.05.2011;

¹² OJEU L273/1 of 19.10.2010, OJEU L90/1 of 28.03.2012, entry into force on 01.10.2012;

¹³ OJEU L18/1-5 of 21.01.2011, OJEU L133/1 of 20.05.2011, entry into force on 01.11.2011

The Commission herewith submits a proposal for a Council Decision on the conclusion of the Protocol. This Protocol contains a Framework Agreement on the general principles for the participation of Azerbaijan in Union programmes. It contains standard stipulations that are intended to be applied to all European Neighbourhood Policy partner countries with which such protocols are to be concluded.

According to Article 218(6)(a) of the Treaty on the Functioning of the European Union, the European Parliament shall be requested to give its consent to the conclusion of this Protocol.

In parallel, the Commission submits a proposal for a Council Decision on the signature and provisional application of the said Protocol.

The Council is invited to adopt the following proposed Decision.

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on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(6)(a) thereof

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes ("the Protocol") was signed on behalf of the Union on ...
- (2) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes ("the Protocol") is hereby approved on behalf of the Union¹⁴.

The text of the Protocol is attached to this Decision.

¹⁴ The Protocol has been published in [...] together with the decision on signature.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 10 of the Protocol¹⁵.

Article 3

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

Done at Brussels,

*For the Council
The President*

¹⁵ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.