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ANNEX 1

## **ANNEX**

### **PROTOCOL**

**to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes**

**to the**

**Proposal for a**

### **COUNCIL DECISION**

**on the signing and provisional application, on behalf of the Union, of a Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the Republic of Algeria on the general principles for the participation of the Republic of Algeria in Union programmes**

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### PROTOCOL

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THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part,

and

the PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, hereinafter referred to as 'Algeria',

of the other part,

hereinafter jointly referred to as 'the Parties',

Whereas:

- (1) Algeria has concluded a Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and Algeria, of the other part (hereinafter referred to as 'the Agreement'), which entered into force on 1 September 2005.
- (2) The Brussels European Council of 17 and 18 June 2004 welcomed the Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.
- (3) The Council has since adopted conclusions in favour of this policy on numerous occasions.
- (4) On 5 March 2007 the Council expressed support for the general and comprehensive approach outlined in the Commission's communication of 4 December 2006<sup>1</sup> to enable European Neighbourhood Policy partners to participate in Community agencies and Community programmes on their merits and where authorised by the legal bases.
- (5) Algeria has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions, including the financial contribution and reporting and evaluation procedures, applicable to Algeria's participation in each particular programme should be determined in a Memorandum of Understanding between the European Commission and the competent Algerian authorities,

HAVE AGREED AS FOLLOWS:

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<sup>1</sup> COM(2006) 724 final of 4 December 2006.

#### *Article 1*

Algeria shall be allowed to participate in all current and future programmes of the Union opened to the participation of Algeria in accordance with the relevant provisions adopting those programmes.

#### *Article 2*

Algeria shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Algeria participates.

#### *Article 3*

Algeria's representatives shall be allowed to take part, as observers and for those items which concern Algeria, in the management committees responsible for monitoring the programmes to which Algeria contributes financially.

#### *Article 4*

Projects and initiatives submitted by participants from Algeria shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

#### *Article 5*

The specific terms and conditions regarding the participation of Algeria in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the European Commission and the competent Algerian authorities on the basis of the criteria established in the programmes concerned.

If Algeria applies for Union external assistance to participate in a given Union programme on the basis of Article 3 of Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument or pursuant to any similar regulation providing for Union external assistance to Algeria that may be adopted in the future, the conditions governing the use by Algeria of the Union assistance shall be determined in a financing agreement.

#### *Article 6*

Each Memorandum of Understanding concluded pursuant to Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002, that financial control or audits or other verifications, including administrative investigations, will be carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the Court of Auditors.

Detailed provisions shall be adopted for financial controls and audits, administrative measures, penalties and recoveries that accord the European Commission, the European Anti-Fraud Office and the Court of Auditors powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

#### *Article 7*

This Protocol shall apply for the period during which the Euro-Mediterranean Agreement is in force.

This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

Either Party may denounce this Protocol by written notification to the other Contracting Party. This Protocol shall cease to apply six months after the date of such notification.

The termination of the Protocol following denunciation by either of the Parties shall not affect the checks and controls to be carried out where necessary under the provisions of Articles 5 and 6.

#### *Article 8*

No later than three years after the date of entry into force of this Protocol and at three-year intervals thereafter both Parties may review the implementation of this Protocol on the basis of the actual participation of Algeria in Union programmes.

#### *Article 9*

This Protocol shall apply to the territories governed by the Treaty on the Functioning of the European Union under the conditions laid down in that Treaty, on the one hand, and to the territory of Algeria, on the other.

#### *Article 10*

Pending its entry into force, the Parties agree to provisionally apply this Protocol from the date of its signing, subject to completion of the procedures necessary for that purpose.

This Protocol shall enter into force definitively on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of the procedures necessary for its entry into force.

#### *Article 11*

This Protocol shall form an integral part of the Agreement.

#### *Article 12*

This Protocol is drawn up in duplicate in the Arabic, Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

Done at Brussels,

*For the European Union*

*For the People's Democratic Republic of Algeria*