EC/Moldova Partnership and Cooperation Agreement: framework agreement on the general principles for the participation of Moldova in Union programmes. Protocol

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PURPOSE: to conclude the Protocol to the Partnership and Co-operation Agreement between the EC and their Member States, of the one part, and Moldova, of the other part, on a framework Agreement between the EU and Moldova on the general principles for the participation of Moldova in Union programmes.

PROPOSED ACT: Council Decision.

LEGAL BASES: Articles 19, 114, 168, 169, 172, 173 (3), 188, 192, 352, in conjunction with Article 218 (6)(a) and the second subparagraph of Article 218(8) the Treaty on the Functioning of the European Union.

IMPACT ASSESSMENT: no impact assessment has been carried out.

BACKGROUND: as part of the European Neighbourhood Policy, the gradual opening-up of certain Union programmes and agencies to the participation of European Neighbourhood Policy partner countries represents one of many measures to promote reform, modernisation and transition in the EU's neighbourhood. This policy aspect is outlined in the Commission Communication "on the general approach to enable European Neighbourhood Policy partner countries to participate in Community agencies and Community programmes". The Council endorsed this approach on 5 March 2007.

Based upon the 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 programmes.

The June 2007 European Council reaffirmed the paramount importance of the European Neighbourhood Policy and endorsed a Presidency Progress Report5 that had been submitted to the General Affairs and External Relations Council meeting on 18/19 June as well as the related Council Conclusions. This report recalled the Council directives to negotiate relevant additional protocols, identifying Israel, Morocco and Ukraine as being likely to be the first partner countries to benefit from these measures. Negotiations with Israel concluded in September 2007 leading to the signature of a Protocol in April 2008 while those with Morocco have concluded and those with Ukraine continue.

In March 2008, it was decided to start negotiations with **Moldova**. Negotiations with Moldova have since been completed to the satisfaction of the Commission.

CONTENT: accordingly, the Commission submits a proposal on the conclusion of the Protocol. This protocol contains a Framework Agreement on the general principles for the participation of Moldova 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.

The specific terms and conditions regarding the participation of Moldova in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, will be determined by agreement between the Commission, acting on behalf of the Union, and the competent authorities of Moldova (Memorandum of Understanding).

The negotiated text also provides that the Parties shall provisionally apply the provisions of the Protocol from the date of its signature.

According to 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 Protocol. The Council is invited to adopt the following proposed Decision.

FINANCIAL IMPLICATIONS: the proposal has no implication for the Community budget.

Moldova shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Moldova participates. To finance its participation, Moldova may apply for external assistance on the basis the Regulation laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for Union external assistance to Moldova.