EU/Ukraine Framework Agreement: participation of Ukraine in Union programmes. Protocol to the Partnership and Cooperation Agreement establishing a partnership EC /Ukraine

2010/0218(NLE) - 28/07/2010 - Preparatory document

PURPOSE: to conclude the Protocol to the Partnership and Co-operation Agreement between the EC and their Member States, of the one part, and Ukraine, of the other part, concerning the participation of Ukraine 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 was 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.

In June 2007, it was decided to start negotiations with **Ukraine**. Negotiations 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 Ukraine 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 Ukraine 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 Ukraine.

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.

BUDGETARY IMPLICATIONS: the proposal has no implication for the EU budget. Ukraine **shall contribute financially to the general budget of the European Union** corresponding to the specific programmes in which it participates. To finance its participation, Ukraine 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 Ukraine.