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) - 13/05/2011 - Final act

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.

NON-LEGISLATIVE ACT: Council Decision 2011/290/EU on the conclusion of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes.

BACKGROUND: the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and Ukraine, of the other part, on a Framework Agreement between the European Union and Ukraine on the general principles for the participation of Ukraine in Union programmes was signed on behalf of the Union on 22 November 2010.

It is now appropriate to conclude this Protocol on behalf of the Union.

CONTENT: with this Decision, the EU concludes a Protocol to the Partnership and Co-operation Agreement between the EU and Ukraine concerning the participation of Ukraine in Union programmes.

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 main provisions are as follows :

- Ukraine shall be allowed to participate in all current and future programmes of the Union opened to the participation of Ukraine in accordance with the relevant provisions adopting those programmes.
- **Ukraine shall contribute financially to the general budget of the Union corresponding to the specific programmes in which Ukraine participates**.

- Ukraine's representatives shall be allowed to take part, as observers and for the points which concern Ukraine, in the management committees responsible for monitoring the programmes to which Ukraine contributes financially.
- Projects and initiatives submitted by participants from Ukraine shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.
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- 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, shall be determined in a Memorandum of Understanding between the Commission and the competent authorities of Ukraine on the basis of the criteria established by the programmes concerned.
- Financial control or audits or other verifications, including administrative investigations, will be carried out by, or under the authority of, the Commission, the European Anti-Fraud Office and the Court of Auditors.
- Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the Commission, the European Anti-Fraud Office and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.
- This Protocol shall apply for the period for which the Agreement is in force.
- No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Ukraine in Union programmes.

ENTRY INTO FORCE: the Decision shall enter into force on 13 May 2011. The Agreement shall enter into force as soon as all the necessary procedures have been completed. Pending its entry into force, the Parties agree to provisionally apply this Protocol from the date of its signature, pending its conclusion at a later date.