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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Framework Agreement between the European Union and Kosovo* on the
general principles for the participation of Kosovo in Union programmes

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

FRAMEWORK AGREEMENT
BETWEEN THE EUROPEAN UNION AND KOSOVO*
ON THE GENERAL PRINCIPLES
FOR THE PARTICIPATION OF KOSOVO
IN UNION PROGRAMMES

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

THE EUROPEAN UNION, hereinafter referred to as “the Union”,

of the one part, and

KOSOVO^{*}

of the other part,

hereinafter referred to as “the Contracting Parties”,

WHEREAS:

- (1) On 14 December 2007 the European Council underlined that the Union stands ready to play a leading role in strengthening stability in the region, stated the Union’s readiness to assist Kosovo in the path towards sustainable stability and confirmed that the Union is ready to assist economic and political development through a clear European perspective, in line with the European perspective of the region.
- (2) On 7 December 2009 the Council welcomed the European Commission’s Communication of 14 October 2009 entitled “Kosovo – Fulfilling its European Perspective” and invited it to take the necessary measures to support Kosovo’s progress towards the Union in line with the European perspective of the region. It attached importance to measures related to trade and visa, and encouraged the European Commission to open up for Kosovo taking part in Union programmes, integrating Kosovo into the economic and fiscal surveillance framework, activating the Instrument for Pre-accession Assistance’s second component and strengthening the Stabilisation and Association Process dialogue.

^{*} This designation is without prejudice to positions on status, and is in line with UNSCR 1244(1999) and the ICJ Opinion on the Kosovo declaration of independence.

- (3) On 14 December 2010 the Council stated that it looked forward to receiving a European Commission proposal that would allow for Kosovo's participation in Union programmes. The European Commission issued such a proposal in March 2011.
- (4) On 5 December 2011 the Council confirmed its commitment to find an agreement on Kosovo's participation in Union programmes, without prejudice to Member States' positions on status.
- (5) On 22 October 2012 the Council authorised the European Commission to open negotiations on behalf of the Union on a framework agreement with Kosovo concerning its participation in Union programmes.
- (6) Kosovo has expressed the wish to participate in a number of Union programmes.
- (7) Article 212 of the Treaty on the Functioning of the European Union refers to economic, financial and technical cooperation measures with third countries other than developing countries.
- (8) The specific terms and conditions, including the relevant financial contribution, for the participation of Kosovo in each particular Union programme should be determined by agreement between the European Commission, acting on behalf of the Union, and the authorities of Kosovo.

- (9) The signature and conclusion of this Agreement does not prejudice the position of Member States on the status of Kosovo, which will be decided in accordance with their national practice and international law. None of the terms, wording or definitions used in this Agreement, including its Annex, or in the Union programmes constitute recognition of Kosovo by the Union as an independent State, nor does it constitute recognition by individual Member States of Kosovo in that capacity where they have not taken such a step,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Kosovo shall be eligible to participate in the following Union programmes:

- (a) those current Union programmes listed in the Annex, and their successor programmes, which are open to the participation of Kosovo, once this Agreement enters into force;
- (b) Union programmes established or renewed after the signature of this Agreement which contain an opening clause providing for the participation of Kosovo.

Kosovo shall be able to participate in Union programmes in accordance with its commitments to adopt and apply standards in the areas relevant to the programme concerned and the progress made in that respect.

ARTICLE 2

Kosovo shall contribute financially to the general budget of the European Union in proportion to the specific Union programmes in which it participates.

ARTICLE 3

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

ARTICLE 4

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

ARTICLE 5

The specific terms and conditions regarding the participation of Kosovo in each particular Union programme, in particular the financial contribution payable, will be determined by agreement between the European Commission, acting on behalf of the Union, and the authorities of Kosovo. Any such agreement shall be considered to be an integral part of this Agreement.

If Kosovo applies for Union pre-accession assistance on the basis of Council Regulation (EC) No 1085/2006¹, or pursuant to any similar regulation providing for Union external assistance to Kosovo that may be adopted in future, the conditions governing the use by Kosovo of Union assistance shall be determined in a financing agreement.

ARTICLE 6

Each agreement referred to in the first paragraph of Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council², that financial control or audits are to be carried out by, or under the authority of, the European Commission, the European Anti-fraud Office (OLAF) and the Court of Auditors.

Detailed provisions shall be adopted for financial control and auditing, administrative measures, penalties and recovery that enable the European Commission, OLAF and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

¹ Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ EU L 210, 31.7.2006, p. 82).

² 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 (OJ EU L 298, 26.10.2012, p. 1).

ARTICLE 7

This Agreement shall apply for an indeterminate period.

This Agreement may be terminated by either Contracting Party by giving six months' notice in writing.

ARTICLE 8

The Contracting Parties may review this Agreement for the first time no later than three years after the date of its entry into force, and every three years thereafter, on the basis of the experience gained from Kosovo's participation in one or more Union programmes.

ARTICLE 9

This Agreement shall apply, on the one hand, to the territories in which the Treaty on the Functioning of the European Union is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Kosovo.

Article 10

This Agreement shall enter into force on the first day of the first month following the date on which the Contracting Parties have notified each other of the completion of their respective procedures for its entry into force.

ARTICLE 11

This Agreement shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Albanian and Serbian languages, each text being equally authentic.

Done at, this day of in the year

For the European Union

For Kosovo

LIST OF CURRENT UNION PROGRAMMES
REFERRED TO IN ARTICLE 1

- Fiscalis 2020¹
- Customs 2020²
- Hercule III³
- Justice⁴
- Rights, Equality and Citizenship Programme⁵

¹ Regulation (EU) No 1286/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme to improve the operation of taxation systems in the European Union for the period 2014-2020 (Fiscalis 2020) and repealing Decision No 1482/2007/EC (OJ EU L 347, 20.12.2013, p. 25).

² Regulation (EU) No 1294/2013 of the European Parliament and of the Council of 11 December 2013 establishing an action programme for customs in the European Union for the period 2014-2020 (Customs 2020) and repealing Decision No 624/2007/EC (OJ EU L 347, 20.12.2013, p. 209).

³ Regulation (EU) No 250/2014 of the European Parliament and of the Council of 26 February 2014 establishing a programme to promote activities in the field of the protection of the financial interests of the European Union (Hercule III programme) and repealing Decision No 804/2004/EC (OJ EU L 84, 20.3.2014, p. 6).

⁴ Regulation (EU) No 1382/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Justice Programme for the period 2014 to 2020 (OJ EU L 354, 28.12.2013, p. 73).

⁵ Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ EU L 354, 28.12.2013, p. 62).

- Europe for Citizens¹
- Civil Protection Mechanism²
- Interoperability solutions for European public administrations, businesses and citizens (ISA²)³
- COSME⁴
- Programme for Employment and Social Innovation (EaSI)⁵
- Erasmus+⁶

¹ Council Regulation (EU) No 390/2014 of 14 April 2014 establishing the “Europe for Citizens” programme for the period 2014-2020 (OJ EU L 115, 17.4.2014, p. 3).

² Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ EU L 347, 20.12.2013, p. 924).

³ Decision (EU) 2015/2240 of the European Parliament and of the Council of 25 November 2015 establishing a programme on interoperability solutions and common frameworks for European public administrations, businesses and citizens (ISA² programme) as a means for modernising the public sector (OJ EU L 318, 4.12.2015, p. 1).

⁴ Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 - 2020) and repealing Decision No 1639/2006/EC (OJ EU L 347, 20.12.2013, p. 33).

⁵ Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation (“EaSI”) and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ EU L 347, 20.12.2013, p. 238).

⁶ Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing “Erasmus+”: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ EU L 347, 20.12.2013, p. 50).

- Creative Europe¹
- Horizon 2020²
- Health for Growth Programme³
- Consumer Programme⁴
- LIFE⁵
- Copernicus⁶

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- ¹ Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC (OJ EU L 347, 20.12.2013, p. 221).
- ² Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ EU L 347, 20.12.2013, p. 104).
- ³ Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC (OJ EU L 86, 21.3.2014, p. 1).
- ⁴ Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC (OJ EU L 84, 20.3.2014, p. 42).
- ⁵ Regulation (EU) No 1293/2013 of the European Parliament and of the Council of 11 December 2013 on the establishment of a Programme for the Environment and Climate Action (LIFE) and repealing Regulation (EC) No 614/2007 (OJ EU L 347, 20.12.2013, p. 185).
- ⁶ Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (OJ EU L 122, 24.4.2014, p. 44).