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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	6 July 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 382 final - ANNEX
Subject:	ANNEX to the Proposal for a Council Decision on the signing, on behalf of the European Union, and provisional application 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 Arab Republic of Egypt, of the other part, on a Framework Agreement between the European Union and the Arab Republic of Egypt on the general principles for the participation of the Arab Republic of Egypt in Union programmes

Delegations will find attached document COM(2023) 382 final - ANNEX.

Encl.: COM(2023) 382 final - ANNEX



EUROPEAN
COMMISSION

Brussels, 6.7.2023
COM(2023) 382 final

ANNEX

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to the

Proposal for a Council Decision

on the signing, on behalf of the European Union, and provisional application 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 Arab Republic of Egypt, of the other part, on a Framework Agreement between the European Union and the Arab Republic of Egypt on the general principles for the participation of the Arab Republic of Egypt in Union programmes

ANNEX

PROTOCOL

to the EURO-MEDITERRANEAN AGREEMENT establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, on a Framework Agreement between the European Union and the Arab Republic of Egypt on the general principles for the participation of the Arab Republic of Egypt in Union programmes

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

of the one part,

and

THE ARAB REPUBLIC OF EGYPT, hereinafter referred to as “Egypt”

of the other part,

hereinafter referred to as “the Parties”,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part¹ (hereinafter referred to as "the Agreement"), was signed in Luxembourg on 25 June 2001 and entered into force on 1 June 2004.
- (2) The European Council of 17 and 18 June 2004 welcomed the European Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004².
- (3) The Council has, on numerous further occasions, endorsed that policy in its conclusions.
- (4) The Council, on 5 March 2007, expressed support for the general approach outlined in the European Commission's Communication of 4 December 2006³ to enable ENP partner countries to participate in certain Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Egypt has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions regarding the participation of Egypt in each particular Union programme, in particular, the financial contribution to be paid by Egypt as well as reporting and evaluation procedures, should be determined by agreement between the European Commission and the competent authorities of Egypt,

¹ OJ L 304, 30.9.2004, p. 39.

² EUCO 79/14.

³ COM(2006)726 final.

HAVE AGREED AS FOLLOWS:

Article 1

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

Article 2

Egypt shall contribute financially to the programmes in which it participates and to the related management, execution and operation costs under the general budget of the Union.

Article 3

Representatives of Egypt shall have the right to participate as observers in the committees which control the exercise of implementing powers by the Commission in programmes to which Egypt makes financial contributions, without voting rights and for points which concern Egypt.

Article 4

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

Article 5

1. The specific terms and conditions regarding the participation of Egypt in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined by agreement between the European Commission and the competent authorities of Egypt on the basis of the criteria established by the programmes concerned.

2. In the event that Egypt applies for external assistance of the Union to participate in a given Union programme on the basis of Article 7 of Regulation (EU) 2021/947 of the European Parliament and of the Council⁴ or pursuant to any similar Regulation providing for external assistance of the Union to Egypt that may be adopted in the future, the conditions governing the use by Egypt of external assistance of the Union shall be determined in a financing agreement.

Article 6

1. Each agreement concluded pursuant to Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁵, that

⁴ Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe, amending and repealing Decision No 466/2014/EU and repealing Regulation (EU) 2017/1601 and Council Regulation (EC, Euratom) No 480/2009, OJ L 209, 14.6.2021, p. 1.

⁵ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU)

financial control or audits or other verifications, including administrative investigations shall be carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the Court of Auditors.

2. Detailed provisions shall be made on financial control and auditing, administrative measures, investigation and prosecution, penalties and recovery granting the European Commission, the European Anti-Fraud Office, the European Public Prosecutor's Office, and the Court of Auditors powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

Article 7

1. This Protocol shall apply for the period for which the Agreement is in force.
2. This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.
3. Either Party may denounce this Protocol by written notification to the other Party.
4. This Protocol shall terminate six months after the date of such notification.
5. Termination of the Protocol following denunciation by any of the Parties shall not affect the checks and controls to be carried out in accordance with Articles 5 and 6, where appropriate.

Article 8

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 Egypt in Union programmes.

Article 9

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

Article 10

1. This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of their procedures necessary for its entry into force.
2. Pending its entry into force, the Parties agree to provisionally apply the provisions of this Protocol from the date of its signature, subject to its conclusion at a later date.

Article 11

This Protocol shall form an integral part of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part.

No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1.

Article 12

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

Done at Brussels,

For the European Union

For the Arab Republic of Egypt