



Council of the
European Union

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RECH 122
COTRA 22

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union, of the one part, and Canada, of the other part, on the participation of Canada in Union programmes
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COUNCIL DECISION (EU) 2024/...

of ...

**on the signing, on behalf of the Union, and provisional application of the Agreement
between the European Union, of the one part, and Canada, of the other part,
on the participation of Canada in Union programmes**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Articles 186 and 212, in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letter dated 21 June 2021, Canada expressed its formal interest in becoming associated to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) established by Regulation (EU) 2021/695 of the European Parliament and of the Council¹ ('the Horizon Europe Programme').
- (2) On 9 September 2022, the Council adopted Decision (EU) 2022/1526², authorising the opening of negotiations with Canada, on behalf of the Union, for an agreement on the general principles for the participation of Canada in Union programmes and on the association of Canada to the Horizon Europe Programme.
- (3) The negotiations have been completed, and the Agreement between the European Union, of the one part, and Canada, of the other part, on the participation of Canada in Union programmes ('the Agreement') was initialled on 17 November 2022. The conclusion of the negotiations was officially announced at the EU-Canada summit held on 23 and 24 November 2023 in St John's, Canada.

¹ Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

² Council Decision (EU) 2022/1526 of 9 September 2022 authorising the opening of negotiations with Canada for an Agreement on the general principles for the participation of Canada in Union programmes and on the association of Canada to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) (OJ L 237, 14.9.2022, p. 17).

- (4) With a view to establishing a lasting framework for cooperation between the Union and Canada, the Agreement sets out the terms and conditions for the participation of Canada in the Union programmes or activities that are opened to the participation of Canada in accordance with the basic acts establishing those Union programmes or activities. Under the Agreement, the Union will carry out cooperation measures with Canada pursuant to Article 212 of the Treaty on the Functioning of the European Union.
- (5) Pursuant to Article 1 of the Agreement, the specific terms and conditions applicable to the participation of Canada in any Union programme or activity are subject to the adoption of protocols to the Agreement.
- (6) Pursuant to Article 3(3) of the Agreement, the specific terms and conditions for participation of Canada in the Horizon Europe Programme are laid down in the Protocol on the association of Canada to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) ('the Protocol on the association of Canada to Horizon Europe').
- (7) In line with the Council's mandate, the Protocol on the association of Canada to Horizon Europe was negotiated in parallel to the Agreement and, pursuant to Article 19(14) of the Agreement, forms an integral part thereof. Canada should participate as an associated country in Pillar II (Global Challenges and European Industrial Competitiveness) of the Horizon Europe Programme.
- (8) Canada fulfils the criteria set out in Article 16(1), point (d), of Regulation (EU) 2021/695.

- (9) The Agreement complies with Article 16(2) of Regulation (EU) 2021/695, which requires that the association to the Horizon Europe Programme of the third countries under Article 16(1), point (d), of that Regulation be in accordance with the conditions laid down in an agreement covering the participation of such a country or territory to any Union programme, provided that the agreement: ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes; lays down the conditions of participation in the Union programmes, including the calculation of financial contributions to individual programmes, and their administrative costs; does not confer on the third country any decision-making power in respect of the Union programme; and guarantees the rights of the Union to ensure sound financial management and to protect the Union's financial interests.
- (10) The Agreement should be signed.
- (11) With a view to ensuring timely cooperation between the Union and Canada in the field of research, technological development and innovation and allowing for the participation of Canadian entities in the Horizon Europe Programme, the Agreement should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force.
- (12) In accordance with the Treaties, the Commission should ensure the signing of the Agreement, subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union, of the one part, and Canada, of the other part, on the participation of Canada in Union programmes ('the Agreement') is hereby authorised, subject to the conclusion of the said Agreement³⁺.

Article 2

The Commission shall ensure the signing of the Agreement, subject to its conclusion.

Article 3

The Agreement shall be applied on a provisional basis in accordance with Article 19(2) thereof, pending the completion of the procedures necessary for its entry into force.

Article 4

The Commission shall give the notification provided for in Article 19(2) of the Agreement on behalf of the Union.

³ The text of the Agreement is published in OJ L, ..., ELI: ...

⁺ OJ: please insert the OJ references for the document ST 7711/24 in the footnote above.

Article 5

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Council

The President
