EUROPEAN
COMMISSION

Brussels, 16.11.2026
COM(2026) 621 final

2026/0359 (NLE)

Proposal for a

COUNCIL DECISION

amending eight Decisions on the conclusion of Framework Agreements between the European Union and certain candidate and European Neighbourhood Policy countries on the general principles for the participation in Union programmes

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. Reasons for and objectives of the proposal

As part of the enlargement process and of the European Neighbourhood Policy (ENP), the opening of certain European Union programmes to acceding countries, candidate countries or potential candidate (hereafter "candidate countries") and European Neighbourhood Policy countries (hereafter "ENP countries") has been one of the many measures used to promote reform, modernisation, transition and gradual alignment with the Union *acquis* by those countries.

In its 2006 Communication to the Council and to the European Parliament on the general approach to enable ENP partner countries (to participate in Community agencies and Community programmes[1], the Commission had proposed to follow, *mutatis mutandis*, the practice already established in relation to acceding, candidate and potential candidate countries (the so-called "framework approach") used since 2002[2] in order to allow participation of ENP countries to the then Community Programmes. This "framework approach" methodology comprised two main steps:

(1) With acceding, candidate, potential candidate or ENP countries, the **first step** consists in the conclusion of an agreement setting out the general principles for participation to allow such participation in those Union programmes for which the legal act setting them up allows for the participation of acceding, candidate, potential candidate or ENP countries. Such agreements take the form of protocol or Framework Agreements (hereafter called Framework Agreements). They are adopted by the Council after consent by the Parliament and they provide an overall structure and the main modalities governing the third country participation in the programmes concerned. They provide the necessary legal basis for the Union to commit financial resources concerning the third country participation in the programmes and enable the Union to request the payment of a financial contribution from the third country concerned for the Union programmes in which the participation is established. They also stipulate that appropriate financial and auditing rules of the Union must be respected, and that participants from the third country concerned will, as far as possible, be subject to the same conditions as participants from Member States. They also contain a provision allowing the third country concerned to take part as an observer in the committees responsible for implementing the programmes in question for the points which concern that country. Finally, and most importantly for this decision, those agreements also provide a basis for the Commission and the third country concerned to agree specific terms and conditions for the third country participation in each programme of the Union (this provision is usually contained in Article 5 of the Framework Agreements).

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1 Communication from the Commission to the Council and to the European Parliament on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes, COM/2006/0724 final.

2 See, the Communication from the Commission to the Council and the European Parliament of 3 December 2003 on "preparing for the participation of the Western Balkan countries in Community programmes and agencies", COM(2003)748.

(2) As mentioned above, the Framework Agreements provide for the specific terms and conditions regarding the participation of that candidate or ENP country in each particular programme to be determined in an agreement between the European Commission, acting on behalf of the Union, and the acceding, candidate, potential candidate or ENP country in question. The conclusion of those bilateral binding agreements for participation of the third country in a specific Union programme (hereafter Agreement to specific Union Programme "ASUP") corresponds to the **second step**.

(3) The Union has so far concluded Framework Agreements of the aforementioned nature with a number of candidate, potential candidate and ENP countries, namely with Albania[3], Algeria[4], Armenia[5], Azerbaijan[6], Bosnia-Herzegovina[7], Georgia[8], Jordan[9], Kosovo[10], Lebanon[11], Moldova[12], Montenegro[13], Morocco[14], North Macedonia[15], the

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3 Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes, OJ L 192, 22.7.2005.

4 Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes, OJ L 148, 13.6.2015.

5 Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes, OJ L 174, 13.6.2014.

6 Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes, OJ L 19, 24.1.2015.

7 Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes, OJ L 192, 22.7.2005.

8 Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, on a Framework Agreement between the European Union and Georgia on the general principles for the participation of Georgia in Union programmes, OJ L 8, 11.1.2014.

9 Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes, OJ L 117, 27.4.2013.

10 Framework Agreement between the European Union and Kosovo (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) on the general principles for the participation of Kosovo in Union programmes, OJ L 195, 27.7.2017.

11 Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes, OJ L 47, 20.2.2015.

12 Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes, OJ L 14, 19.1.2011.

13 Agreement in the form of an exchange of letters concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member

Palestinian Authority[16], Serbia[17], Tunisia[18], Türkiye[19] and Ukraine[20], and has signed such an Agreement with Israel[21].

(4) The outlined two-steps approach implies that the ASUP are to be negotiated and concluded by the Commission in line with Article 5 of the Framework Agreements and to that end the applicable EU procedure for the adoption of the ASUP should be through the simplified procedure foreseen in Article 218(7) TFEU.

(5) However, an explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an ASUP is contained only in certain of the Council decisions on the conclusion of Framework Agreements on the general principles of participation to the Union programmes with candidate, potential candidate or ENP countries, namely in those relating to the protocols to the partnership agreements with: Albania[22], Algeria[23], Bosnia-Herzegovina[24], Kosovo[25], Lebanon[26], North Macedonia[27], the Palestinian Authority[28], Serbia[29], Tunisia[30] and Türkiye [31].

States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes, OJ L 43, 19.2.2008.

14 Protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, on a framework agreement between the European Union and the Kingdom of Morocco on the general principles for the participation of the Kingdom of Morocco in Union programmes, OJ L 90, 28.3.2012.

15 Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes, OJ L 192, 22.7.2005.

16 Protocol to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, on a Framework Agreement between the European Union and the Palestinian Authority of the West Bank and the Gaza Strip on the general principles for its participation in Union programmes, OJ L 121, 8.4.2021.

17 Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes, OJ L 192, 22.7.2005.

18 Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes, OJ L 96, 11.4.2015.

19 Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes, OJ L 61, 2.3.2002.

20 Protocol to the Partnership and Cooperation Agreement 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, OJ L 18, 21.1.2011.

21 Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes, OJ L 129, 17.5.2008.

22 Council Decision 2005/524/EC of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes, OJ L 192, 22.7.2005.

23 Council Decision (EU) 2017/85 of 16 January 2017 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its

(6) Conversely, while the Framework Agreements with Armenia[32], Azerbaijan[33], Jordan[34], Georgia[35], Moldova[36], Montenegro[37], Morocco[38] and Ukraine foresee the same

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Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes, OJ L 14, 18.1.2017.

24 Council Decision 2005/525/EC of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes, OJ L 192, 22.7.2005.

25 Council Decision (EU) 2017/1388 of 17 July 2017 on the conclusion of the Framework Agreement between the European Union and Kosovo (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) on the general principles for the participation of Kosovo in Union programmes, OJ L 195, 27.7.2017.

26 Council Decision (EU) 2016/1225 of 18 July 2016 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes, OJ L 202, 28.7.2016.

27 Council Decision 2005/528/EC of 2 June 2005 concerning the conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes, OJ L 192, 22.7.2005.

28 Council Decision (EU) 2024/375 of 16 January 2024 on the conclusion of the Protocol to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, on a Framework Agreement between the European Union and the Palestinian Authority of the West Bank and the Gaza Strip on the general principles for its participation in Union programmes, OJ L, 2024/375.

29 Council Decision 2005/527/EC of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes, OJ L 192, 22.7.2005.

30 Council Decision (EU) 2015/2025 of 26 October 2015 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes, OJ L 297, 13.11.2015.

31 Council Decision 2002/179/EC of 17 December 2001 concerning the conclusion of a Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes, OJ L 61, 2.3.2002.

32 Council Decision 2014/347/EU of 20 February 2014 on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes, OJ L 174, 13.6.2014.

33 Council Decision (EU) 2016/1210 of 18 July 2016 on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes, OJ L 199, 26.7.2016.

34 Council Decision 2014/163/EU of 18 November 2013 on the conclusion 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 Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes, OJ L 89, 25.3.2014.

procedure for the conclusion of the ASUP, in the Council Decisions on the conclusion of these Framework Agreements [39] a reference to an explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an ASUP is omitted.

(7) In order to ensure legal certainty and transparency, as well as for reasons of institutional balance and sincere cooperation between the European Parliament, the Council and the Commission, it is necessary to amend the Council Decisions on the conclusion of Framework Agreements referred to in point 6 to the effect of adding an explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude the ASUPs with those countries in accordance with the procedure foreseen in Article 5 of the Framework Agreements.

1.2. Explanation of the specific provisions of the proposal

In view of the above, this proposal aims to amend the Council Decisions on the conclusion of the Framework Agreements with Armenia, Azerbaijan, Georgia, Jordan, Moldova, Montenegro, Morocco, and Ukraine on the general conditions for the participation to Union programmes by adding an explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an ASUP.

As regards the concerned Council Decisions, the suggested amendments are intended to address the omission referred to in Recital (6) above by inserting an article providing for an explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an ASUP, together with the supporting recital[40]. Moreover, for those Council Decisions which

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35 Council Decision 2014/319/EU of 12 May 2014 on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia of the other part, on a Framework Agreement between the European Union and Georgia on the general principles for the participation of Georgia in Union programmes, OJ L 165, 4.6.2014.

36 Council Decision 2011/28/EU of 12 April 2011 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes, OJ L 131, 18.5.2011.

37 Council Decision 2088/127EC of 13 November 2007 concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes, OJ L 43, 19.2.2008; Council and Commission Decision 2010/224/EU, Euratom of 29 March 2010 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, OJ L 108, 29.4.2010

38 Council Decision 2012/170/EU of 8 March 2012 on the conclusion 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 Kingdom of Morocco, of the other part, on a framework agreement between the European Union and the Kingdom of Morocco on the general principles for the participation of the Kingdom of Morocco in Union programmes, OJ L 90, 28.3.2012.

39 Council Decision 2011/290/EU of 13 May 2011 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, OJ L 133, 20.5.2011.

40 In some cases, such as Moldova, Article 218(7) TFEU is cited as a legal basis, without however there being an article, supported by a recital, providing for an explicit authorisation for the Commission to conclude an ASUP http://data.europa.eu/eli/dec/2011/283/oj.

currently do not contain a reference to Article 218(7) TFEU as a legal basis, it is proposed to add such a reference.

2. LEGAL BASIS AND CHOICE OF INSTRUMENT

2.1. Legal basis for the proposed Decision

In light of the principle of "parallelism of form", the appropriate procedural legal basis for amending Council Decisions to conclude international agreements is Article 218(6) TFEU. Moreover, as some of the third countries concerned are candidate countries, the second subparagraph of Article 218(8) is to be applied to the adoption of this Council Decision.

While there have been previous amendments of Council Decisions on the conclusion of international agreements, there is no precedent of such amendments that consist in adding an explicit authorisation for the Commission on the basis of Article 218(7) TFEU. However, granting such an authorization *ex post* in relation to agreements that have already been concluded does not create an issue of legal certainty, because the effects of the proposed amendments would operate only within the Union, without any consequences for the legal relationship between the Union and the concerned third countries.

The substantive legal basis for the proposed amending Council decision should be Article 212 TFEU only, irrespective of the substantive legal bases for the Council decisions to be amended. Indeed, the proposed Council decision governs only the procedure related to the conclusion of the ASUPs and therefore concerns the arrangements for cooperation between the Union and the third country at issue, within the meaning of Article 212(3) TFEU, which is meant to apply horizontally to all Union programmes in which that third country participates, independently of the subject matter of those programmes.

2.2. Choice of the instrument

In order to respect the principle of parallelism of procedures, the Proposal, which aims at amending a certain number of Council Decisions on the conclusion of international agreements[41] shall take the form of a Proposal for a Council Decision to be adopted with the consent of the European Parliament.

[41] Council Decision (EU) 2014/347, Council Decision (EU) 2014/319, Council Decision (EU) 2011/283, Council Decision (EU) 2012/176, Council Decision (EU) 2011/290, Council Decision (EU) 2016/1210, Council Decision (EU) 2014/163, Council and Commission Decision 2010/224/EU, Euratom

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(6), second subparagraph, point (a), Article 218(7) and Article 218(8), second subparagraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) An Agreement on the participation of a third country to a specific Union Programme (hereafter Agreement to specific Union Programme) defines the specific terms and conditions for the participation of that third country in the Union programme, in particular, the financial contribution payable as well as reporting and evaluation procedures.

(2) According to the "Framework Agreements" approach instituted in 2002[1], the ASUPs with the acceding, candidate and potential candidate countries and the European Neighbourhood Policy ('ENP') countries are concluded on the basis of Framework Agreements setting out the general principles to be followed in all the ASUPs. The ASUPs supplement the Framework Agreements by adding the specific terms and conditions regarding the participation of the third country concerned in each particular Union programme.

(3) The Framework Agreements and the ASUPs are usually concluded in the form of binding international agreements in order to protect the financial interests of the Union and ensure legally binding commitments concerning the financial contribution of the third country as well as the cooperation to ensure sound financial management of Union fund. Consequently, both the Framework Agreements and ASUPs are subject to the procedure for the conclusion of agreements set out in Article 218 of the TFEU.

(4) All Framework Agreements, concluded with acceding, candidate, potential candidate or ENP countries, provide for the ASUP to be concluded by the Commission, acting on behalf of the Union, and the competent authorities of the third country concerned, in accordance with Article 5 of the relevant Framework Agreement.

[1] Communication from the Commission to the Council and to the European Parliament on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes, COM/2006/0724 final.

(5) Within the Union, this set-up implies the use of the simplified procedure provided for by Article 218(7) of the Treaty on the Functioning of the European Union (TFEU), by which the Council may authorise the Commission to approve, on the Union's behalf, modifications to the agreement, subject, as the case may be, to specific conditions the Council may attach to such authorisation.

(6) The Union has concluded Framework Agreements and Protocols for participation in Union programmes with, Albania[2], Algeria[3], Armenia[4], Azerbaijan[5], Bosnia-Herzegovina[6], Georgia[7], Jordan[8], Kosovo[9], Lebanon[10], Moldova[11], Montenegro[12],

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2 2005/517/EC: Council Decision of 22 November 2004 concerning the signing of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes (OJ L 192, 22.7.2005, p. 1, OJ L 334M, 12.12.2008, p. 269–270 (MT), ELI: http://data.europa.eu/eli/dec/2005/517/oj).

3 Council Decision (EU) 2017/85 of 16 January 2017 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes (OJ L 14, 18.1.2017 , p. 2, ELI: http://data.europa.eu/eli/dec/2017/85/oj).

4 2014/347/EU: Council Decision of 20 February 2014 on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes (OJ L 174, 13.6.2014, p. 1, ELI: http://data.europa.eu/eli/dec/2014/347/oj.

5 Council Decision (EU) 2015/105 of 14 April 2014 on the signing, on behalf of the Union, and provisional application of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes (OJ L 19, 24.1.2015, p. 2, ELI: http://data.europa.eu/eli/dec/2015/105/oj).

6 2005/525/EC: Council Decision of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes (OJ L 192, 22.7.2005, p. 80, OJ L 334M, 12.12.2008, p. 350-354 (MT), ELI: http://data.europa.eu/eli/dec/2005/525/oj).

7 2014/7/EU: Council Decision of 5 December 2013 on the signing, on behalf of the Union, and provisional application of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia, of the other part, on a Framework Agreement between the European Union and Georgia, on the general principles for the participation of Georgia in Union programmes (OJ L 8, 11.1.2014, p. 1, ELI: http://data.europa.eu/eli/dec/2014/7/oj).

8 2014/163/EU: Council Decision of 18 November 2013 on the conclusion 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 Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes (OJ L 89, 25.3.2014, p. 6, ELI: http://data.europa.eu/eli/dec/2014/163/oj).

9 Council Decision (EU) 2017/1388 of 17 July 2017 on the conclusion of the Framework Agreement between the European Union and Kosovo (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.) on the general principles for the participation of Kosovo in Union programmes (OJ L 195, 27.7.2017, p. 1, ELI: http://data.europa.eu/eli/dec/2017/1388/oj).

10 Council Decision (EU) 2015/268 of 17 December 2014 on the signing, on behalf of the European Union, and provisional application of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and

Morocco[13], North Macedonia[14], the Palestinian Authority[15], Serbia[16], Tunisia[17], Türkiye[18] and Ukraine[19], and has signed such an Agreement with Israel[20]. An explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an

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the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes (OJ L 47, 20.2.2015, p. 1, ELI: http://data.europa.eu/eli/dec/2015/268/oj).

11 2011/283/EU: Council Decision of 12 April 2011 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes (OJ L 131, 18.5.2011, p. 1, ELI: http://data.europa.eu/eli/dec/2011/283/oj).

12 2008/127/EC: Council Decision of 13 November 2007 concerning the provisional application of Protocol 8 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, on the general principles for the participation of Montenegro in Community programmes (OJ L 43, 19.2.2008, p. 9, ELI: http://data.europa.eu/eli/dec/2008/127(1)/oj).

13 2012/176/EU: Council Decision of 8 March 2012 on the conclusion 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 Kingdom of Morocco, of the other part, on a framework agreement between the European Union and the Kingdom of Morocco on the general principles for the participation of the Kingdom of Morocco in Union programmes (OJ L 90, 28.3.2012, p. 1, ELI: http://data.europa.eu/eli/dec/2012/176(1)/oj).

14 2005/528/EC: Council Decision of 2 June 2005 concerning the conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes (OJ L 192, 22.7.2005, p. 867, OJ L 334M, 12.12.2008, p. 365(MT), ELI: http://data.europa.eu/eli/dec/2005/528/oj).

15 Protocol to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, on a Framework Agreement between the European Union and the Palestinian Authority of the West Bank and the Gaza Strip on the general principles for its participation in Union programmes (OJ L 121, 8.4.2021, p. 3, ELI: http://data.europa.eu/eli/prot/2021/570/oj).

16 2005/527/EC: Council Decision of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes, OJ L 334M, 12.12.2008, p. 360-364 (MT), OJ L 192, 22.7.2005, p. 84–85, ELI: http://data.europa.eu/eli/dec/2005/527/oj

17 Council Decision (EU) 2015/575 of 17 December 2014 on the signing, on behalf of the European Union, and provisional application of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes (OJ L 96, 11.4.2015, p. 1, ELI: http://data.europa.eu/eli/dec/2015/575/oj).

18 Framework Agreement between the European Community and the Republic of Turkey on the general principles for the participation of the Republic of Turkey in Community programmes (OJ L 61, 2.3.2002, p. 29, ELI: http://data.europa.eu/eli/agree_internation/2002/179/oj).

19 2011/33/EU: Council Decision of 8 November 2010 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 (OJ L 18, 21.1.2011, p. 1, ELI: http://data.europa.eu/eli/dec/2011/33(1)/oj).

20 Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, on a framework Agreement between the European Community and the State of Israel on the general principles governing the State of Israel's participation in Community programmes, OJ L 1, 28.3.2012, P. 39.

Agreement to specific Union Programme is contained only in the Council Decisions on the conclusion of the Framework Agreements with Albania[21], Algeria[22], Bosnia-Herzegovina[23], Kosovo[24], Lebanon[25], North Macedonia[26], the Palestinian Authority [27], Serbia[28], Tunisia[29] and Türkiye[30].

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21 2005/524/EC: Council Decision of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and the Republic of Albania on the general principles for the participation of the Republic of Albania in Community programmes (OJ L 192, 22.7.2005, p. 78 and OJ L 334M, 12.12.2008, p. 345, ELI: http://data.europa.eu/eli/dec/2005/524/oj).

22 Council Decision (EU) 2017/85 of 16 January 2017 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, on a Framework Agreement between the European Union and the People's Democratic Republic of Algeria on the general principles for the participation of the People's Democratic Republic of Algeria in Union programmes (OJ L 14, 18/01/2017, p. 2, ELI: http://data.europa.eu/eli/dec/2017/85/oj).

23 2005/525/EC: Council Decision of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Bosnia and Herzegovina on the general principles for the participation of Bosnia and Herzegovina in Community programmes (OJ L 192, 22.7.2005, p. 80 and OJ L 334M, 12.12.2008, p. 350, ELI: http://data.europa.eu/eli/dec/2005/525/oj).

24 Council Decision (EU) 2017/1388 of 17 July 2017 on the conclusion of the Framework Agreement between the European Union and Kosovo (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.) on the general principles for the participation of Kosovo in Union programmes (OJ L 195, 27.7.2017, p. 1, ELI: http://data.europa.eu/eli/dec/2017/1388/oj).

25 Council Decision (EU) 2016/1225 of 18 July 2016 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, on a Framework Agreement between the European Union and the Republic of Lebanon on the general principles for the participation of the Republic of Lebanon in Union programmes (OJ L 202, 28.7.2016, p. 3, ELI: http://data.europa.eu/eli/dec/2016/1225/oj).

26 2005/528/EC: Council Decision of 2 June 2005 concerning the conclusion of a Protocol to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Former Yugoslav Republic of Macedonia, of the other part, on a Framework Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the general principles for the participation of the Former Yugoslav Republic of Macedonia in Community programmes (OJ L 192, 22.7.2005, p. 86 and OJ L 334M, 12.12.2008, p. 365, ELI: http://data.europa.eu/eli/dec/2005/528/oj).

27 Council Decision (EU) 2024/375 of 16 January 2024 on the conclusion of the Protocol to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, on a Framework Agreement between the European Union and the Palestinian Authority of the West Bank and the Gaza Strip on the general principles for its participation in Union programmes (OJ L, 2024/375, 22.1.2024, ELI: http://data.europa.eu/eli/dec/2024/375/oj).

28 2005/527/EC: Council Decision of 2 June 2005 concerning the conclusion of a Framework Agreement between the European Community and Serbia and Montenegro on the general principles for the participation of Serbia and Montenegro in Community programmes (OJ L 334M, 12.12.2008, p. 360 and OJ L 192, 22.7.2005, p. 84, ELI: http://data.europa.eu/eli/dec/2005/527/oj).

29 Council Decision (EU) 2015/2025 of 26 October 2015 on the conclusion of the Protocol to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes (OJ L 297, 13.11.2015, p. 1, ELI: http://data.europa.eu/eli/dec/2015/2025/oj).

30 2002/179/EC: Council Decision of 17 December 2001 concerning the conclusion of a Framework Agreement between the European Community and the Republic of Turkey on the general principles for

(7) Despite the fact that all these Framework Agreements with candidate, potential candidate and ENP countries provide in identical terms for the ASUPs to be agreed between the Commission and the competent authorities of the third country concerned the Council Decisions on the conclusion of the Framework Agreements with Armenia, Azerbaijan, Georgia, Jordan, Montenegro, Moldova, Morocco, and Ukraine, fail to provide for an explicit authorisation to that effect, on the basis of Article 218(7) of the TFEU.

(8) To ensure legal certainty and transparency, as well as for reasons of institutional balance and sincere cooperation between the European Parliament, the Council and the Commission, it is necessary to amend the Council Decisions referred to in Recital (7) to the effect of adding the currently omitted explicit authorisation for the Commission, on the basis of Article 218(7) TFEU, to conclude an ASUP.

(9) Moreover, for reasons of legal certainty, for those Council Decisions which currently do not contain a reference to Article 218(7) TFEU as a legal basis, such a reference should be added.

(10) Council and Commission Decision 2010/224/EU, Euratom[31], Council Decision 2011/283/EU[32], Council Decision 2011/290/EU[33], Council Decision 2012/176/EU[34], Council Decision /2014/163/EU[35], Council Decision 2014/319/EU[36], Council Decision

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the participation of the Republic of Turkey in Community programmes (OJ L 61, 2.3.2002, p. 27, ELI: http://data.europa.eu/eli/dec/2002/179/oj).

31 2010/224/EU, Euratom: Council and Commission Decision of 29 March 2010 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (OJ L 108, 29.4.2010, p. 1, ELI: http://data.europa.eu/eli/dec/2010/224/oj).

32 2011/283/EU: Council Decision of 12 April 2011 on the conclusion of a Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part, on a Framework Agreement between the European Union and the Republic of Moldova on the general principles for the participation of the Republic of Moldova in Union programmes (OJ L 131, 18.5.2011, p. 1, ELI: http://data.europa.eu/eli/dec/2011/283/oj).

33 2011/290/EU: Council Decision of 13 May 2011 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 (OJ L 133, 20.5.2011, p. 1, ELI: http://data.europa.eu/eli/dec/2011/290/oj).

34 2012/176/EU: Council Decision of 8 March 2012 on the conclusion 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 Kingdom of Morocco, of the other part, on a framework agreement between the European Union and the Kingdom of Morocco on the general principles for the participation of the Kingdom of Morocco in Union programmes (OJ L 90, 28.3.2012, p. 1, ELI: http://data.europa.eu/eli/dec/2012/176(1)/oj).

35 2014/163/EU: Council Decision of 18 November 2013 on the conclusion 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 Hashemite Kingdom of Jordan, of the other part, on a Framework Agreement between the European Union and the Hashemite Kingdom of Jordan on the general principles for the participation of the Hashemite Kingdom of Jordan in Union programmes (OJ L 89, 25.3.2014, p. 6 ,ELI: http://data.europa.eu/eli/dec/2014/163/oj).

36 2014/319/EU: Council Decision of 12 May 2014 on the conclusion of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and Georgia of the other part, on a Framework Agreement between the European Union and Georgia on the general principles for the participation of Georgia in Union programmes (OJ L 165, 4.6.2014, p. 16, ELI: http://data.europa.eu/eli/dec/2014/319/oj).

2014/347/EU[37] and Council Decision (EU) 2016/1210[38], regarding the Association Agreements between the European Union and Armenia, Azerbaijan, Georgia, Jordan, Moldova, Montenegro, Morocco and Ukraine, respectively, should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

Article 1

Decision (EU) 2014/347 is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169 and 172, Article 173(3), and Articles 188 and 192, in conjunction with Article 218(6)(a), and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with Armenia determining the specific terms and conditions applicable to the participation of Armenia in any given programme, including the financial contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 2

Decision (EU) 2014/319 is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 in conjunction with Article 218(6)(a), Article 218(8), second subparagraph, and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with Georgia determining the specific terms and conditions applicable to the participation of Georgia in any given programme, including the financial

[37] 2014/347/EU: Council Decision of 20 February 2014 on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes (OJ L 174, 13.6.2014, p. 1, ELI: http://data.europa.eu/eli/dec/2014/347/oj).

[38] Council Decision (EU) 2016/1210 of 18 July 2016 on the conclusion of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, on a Framework Agreement between the European Union and the Republic of Azerbaijan on the general principles for the participation of the Republic of Azerbaijan in Union programmes (OJ L 199, 26.7.2016, p. 1, ELI: http://data.europa.eu/eli/dec/2016/1210/oj).

contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 3

Decision 2011/283/EU is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169, 172, 173(3), 188 and 192, in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with Moldova determining the specific terms and conditions applicable to the participation of the Republic of Moldova in any given programme, including the financial contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 4

Decision 2012/176/EU is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6), second subparagraph, point (a), Article 218(8), second subparagraph, and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with Morocco determining the specific terms and conditions applicable to the participation of the Kingdom of Morocco in any given programme, including the financial contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 5

Decision 2011/290/EU is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169, 172, 173(3), 188 and 192, in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with Ukraine determining the specific terms and conditions applicable to the participation of Ukraine in any given programme, including the financial

contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 6

Decision (EU) 2016/1210 is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212, in conjunction with Article 218(6), second subparagraph, point (a), and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with the Republic of Azerbaijan determining the specific terms and conditions applicable to the participation of the Republic of Azerbaijan in any given programme, including the financial contribution payable. The Commission shall keep the relevant working party of the Council informed.'.

Article 7

Decision (EU) 2014/163 is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6), second subparagraph, point (a), Article 218(8), second subparagraph, and Article 218(7) thereof,'.

(2) The following Article 1a is inserted:

'Article 1a

The Commission is hereby authorised to conclude, on behalf of the Union, an agreement with the Hashemite Kingdom of Jordan determining the specific terms and conditions applicable to the participation of the Hashemite Kingdom of Jordan in any given programme, including the financial contribution payable. The Commission shall keep the relevant Council working party informed.'.

Article 8

Decision 2010/224/EU, Euratom is amended as follows:

(1) The visa on the legal basis is replaced by the one that follows:

'Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(6), second subparagraph, point (a), Article 218(8), second subparagraph, and Article 218(7) thereof,'.

(2) The following Article 3a is inserted:

'Article 3a

In the framework of protocol 8 to Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, the Commission is hereby authorised to

conclude, on behalf of the Union, an agreement with the Republic of Montenegro determining the specific terms and conditions applicable to the participation of the Republic of Montenegro in any given programme, including the financial contribution payable. The Commission shall keep the relevant Council working party informed.'.

Article 9

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union.*

Done at Brussels,

For the Council
The President