

Proposal for a Council Decision concerning the conclusion of an agreement between the Community and Malta adopting the terms and conditions for the participation of Malta in Community programmes in the fields of training, education and youth

(2000/C 337 E/29)

COM(2000) 416 final — 2000/0176(CNS)

(Submitted by the Commission on 6 July 2000)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 149 and 150, in conjunction with Article 300(2) and the first sub-paragraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas:

- (1) The participation of Malta in Community programmes is an important element of the pre-accession strategy for Malta as set out in the Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽¹⁾.
- (2) Council Decision (1999/382/EC) of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' ⁽²⁾, and in particular Article 10 thereof, Decision (253/2000/EC) of 24 January 2000 of the European Parliament and the Council establishing the second phase of the Community action programme in the field of education 'Socrates' ⁽³⁾, and in particular Article 12 thereof, and Decision (1031/2000/EC) of 13 April 2000 of the European Parliament and the Council establishing the 'Youth' Community action programme ⁽⁴⁾, and in particular Article 11 thereof, provide that these programmes shall be open to the participation of Malta.
- (3) In conformity with the negotiating guidelines adopted by the Council on 14 February 2000, the Commission has

negotiated, on behalf of the European Community, an agreement to enable Malta to participate in these programmes.

(4) This Agreement should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and Malta adopting the terms and conditions for the participation of Malta in Community programmes in the fields of training, education and youth is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to appoint the person(s) empowered to sign the Agreement in order to bind the Community.

Article 3

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 4 of the Agreement.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

⁽¹⁾ OJ L 68, 16.3.2000 p. 3.

⁽²⁾ OJ L 146, 11.6.1999, p. 33.

⁽³⁾ OJ L 28, 3.2.2000, p. 1.

⁽⁴⁾ OJ L 117, 18.5.2000, p. 1.

DRAFT AGREEMENT**between the European Community and Malta adopting the terms and conditions for the participation of Malta in Community programmes in the fields of training, education and youth**

THE EUROPEAN COMMUNITY, of the one part, and

MALTA, of the other part,

Whereas:

- (1) Council Decision (1999/382/EC) of 26 April 1999 establishing the second phase of the Community vocational training action programme 'Leonardo da Vinci' ⁽¹⁾, and in particular Article 10 thereof, and Decision (253/2000/EC) of 24 January 2000 of the European Parliament and the Council establishing the second phase of the Community action programme in the field of education 'Socrates' ⁽²⁾, and in particular Article 12 thereof, and Decision (1031/2000/EC) of 13 April 2000 of the European Parliament and the Council establishing the 'Youth' Community action programme ⁽³⁾, and in particular Article 11 thereof, provide that these programmes shall be open to the participation of Malta.
- (2) Malta has expressed the wish to participate in these programmes.
- (3) The participation of Malta in these programmes constitutes a significant step in the pre-accession strategy of Malta as set out in the Council Regulation (EC) No 555/2000 of 13 March 2000 on the implementation of operations in the framework of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta ⁽⁴⁾,

HAVE AGREED AS FOLLOWS:

Article 1

Malta shall participate, from 2000, in the second phase of the European Community programmes Leonardo da Vinci and

Socrates ('Leonardo da Vinci II' and 'Socrates II') and, from 2001, in the 'Youth' Community action programme ('Youth') according to the terms and conditions set out in Annexes I and II which shall form an integral part of this Agreement.

Article 2

This Agreement shall apply for the duration of Leonardo da Vinci II and Socrates II, starting on 1 January 2000 and, in the case of Youth, from 1 January 2001 to the end of the programme.

Article 3

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

Article 4

This Agreement shall enter into force on the day of the notification by the Contracting Parties of the completion of their respective procedures.

Article 5

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

⁽¹⁾ OJ L 146, 11.6.1999, p. 33.

⁽²⁾ OJ L 28, 3.2.2000, p. 1.

⁽³⁾ OJ L 117, 18.5.2000, p. 1.

⁽⁴⁾ OJ L 68, 16.3.2000 p. 3.

ANNEX I

Terms and conditions for the participation of Malta in Leonardo da Vinci II, Socrates II and Youth

1. Malta will participate in Leonardo da Vinci II, Socrates II and Youth ('the Programmes') in conformity, unless otherwise provided in this Agreement, with the objectives, criteria, procedures and deadlines as defined in Council Decision (1999/382/EC) of 26 April 1999, Decision (253/2000/EC) of 24 January 2000 of the European Parliament and of the Council, and Decision (1031/2000/EC) of 13 April 2000 of the European Parliament and of the Council establishing these Community action programmes. It will participate in all the activities of the Programmes, with the exception of certain activities within Youth which are devoted to cooperation with third countries which are not full participants in that programme.
2. In conformity with the terms of respective Articles 5 of the Decisions on Leonardo da Vinci II, Socrates II and Youth, and with the provisions relating to the responsibilities of the Member States and of the Commission of the European Communities concerning the Leonardo da Vinci, Socrates and Youth National Agencies adopted by the Commission, Malta shall establish the appropriate structures for the coordinated management of the implementation of the programme actions at national level and take the measures needed to ensure the adequate funding of these Agencies, which will receive programme grants for their activities. Malta will take all other necessary steps for the efficient running of the Programmes at national level.
3. To participate in the Programmes, Malta will pay each year a contribution to the general budget of the European Union according to the modalities described in Annex II.

If necessary in order to take into account programme developments, or the evolution of Malta's absorption capacity, the Association Council is entitled to adapt this contribution, so as to avoid budgetary imbalance in the implementation of the programmes.

4. The terms and conditions for the submission, assessment and selection of applications related to eligible institutions, organisations and individuals of Malta will be the same as those applicable to eligible institutions, organisations and individuals of the Community.

Maltese experts may be taken into consideration by the Commission when appointing independent experts according to the relevant provisions of the decisions establishing the programmes to assist it in the project evaluation.

5. With a view to ensuring the Community dimension of the Programmes, to be eligible for Community financial support, projects and activities will have to include at least a partner from one of the Member States of the Community.
6. For the mobility activities referred to in Annex I, section III.1 of the Leonardo da Vinci II decision, and for the actions to be managed on a decentralised basis within Socrates and Youth, as well as for financial support to the activities of the National Agencies set up in accordance with point 2 above, funds will be allocated to Malta on the basis of the annual programme budget breakdown decided at Community level and Malta's contribution to the programme. The maximum amount of financial support to the activities of the National Agencies will not exceed 50 % of the budget for the National Agencies' work programmes.
7. The Member States of the Community and Malta will make every effort, within the framework of existing provisions, to facilitate the free movement and residence of students, teachers, trainees, trainers, university administrators, young people and other eligible persons moving between Malta and the Member States of the Community for the purpose of participating in activities covered by this Agreement.
8. Activities covered by this Agreement shall be exempt from imposition by Malta of indirect taxes, customs duties, prohibitions and restrictions on imports and exports in respect of goods and services intended for use under such activities.
9. Without prejudice to the responsibilities of the Commission of the European Communities and the Court of Auditors of the European Communities in relation to the monitoring and evaluation of the programmes pursuant to the decisions concerning Leonardo da Vinci II, Socrates II and Youth (Articles 13, 14 and 13 respectively), the participation of Malta in the programmes will be continuously monitored on a partnership basis involving the Commission of the European Communities and Malta. Malta will submit to the Commission relevant reports and take part in other specific activities set out by the Community in that context.
10. In conformity with the Community's financial regulations, contractual arrangements concluded with, or by, entities of Malta shall provide for controls and audits to be carried out by, or under the authority of, the Commission and the Court of Auditors. As far as financial audits are concerned, they may be carried out with the purpose of controlling such entities' income and expenditures, related to the contractual obligations towards the Community. In a spirit of cooperation and mutual interest, the relevant authorities of Malta shall provide any reasonable and feasible assistance as may be necessary or helpful under the circumstances to perform such controls and audits.

The provisions relating to the responsibilities of the Member States and of the Commission concerning the Leonardo da Vinci, Socrates and Youth National Agencies adopted by the Commission will apply to the relations between Malta, the Commission and the Maltese National Agencies. In the event of irregularity, negligence or fraud imputable to the Maltese National Agencies, the Maltese authorities shall be responsible for the funds not recovered.

11. Without prejudice to the procedures referred to in Article 7 of the Decision on Leonardo da Vinci II and respective Articles 8 of the Decisions on Socrates II and Youth, representatives of Malta will participate as observers in the Programme Committees, for the points which concern them. These committees shall meet without the presence of representatives of Malta for the rest of the points, as well as at the time of voting.
12. The language to be used in all contacts with the Commission, as regards the application process, contracts, reports to be submitted and other administrative arrangements for the programmes, will be one of the official languages of the Community.
13. The Community and Malta may terminate activities under this Agreement at any time upon twelve months' notice in writing. Projects and activities in progress at the time of termination shall continue until their completion under the conditions laid down in this Agreement.

ANNEX II

Financial contribution of Malta to Leonardo da Vinci II, Socrates II and Youth

1. LEONARDO DA VINCI

The financial contribution to be paid by Malta to the budget of the European Union to participate in the Leonardo da Vinci II programme will be the following (in EUR):

Year 2000	Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
441 000	453 000	482 000	502 000	523 000	549 000	569 000

2. SOCRATES

The financial contribution to be paid by Malta to the budget of the European Union to participate in the Socrates II programme will be the following (in EUR):

Year 2000	Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
575 000	642 000	658 000	672 000	690 000	710 000	736 000

3. YOUTH

The financial contribution to be paid by Malta to the budget of the European Union to participate in the Youth programme will be the following (in EUR):

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
340 000	405 000	473 000	539 000	607 000	686 000

4. Malta will pay the contribution mentioned above entirely from the Maltese national budget in 2000, and for the following years partly from the Maltese national budget, and partly from Malta's pre-accession funds. Subject to a separate programming procedure within the framework of the Council Regulation on the implementation of the pre-accession strategy for the Republic of Cyprus and the Republic of Malta, the requested pre-accession funds will be transferred to Malta by means of a separate Financing Memorandum. Together with the part coming from Malta's State budget, these funds will constitute Malta's national contribution, out of which it will make payments in response to annual calls for funds from the Commission.

5. The pre-accession funds will be requested according to the following schedule:

— for the contribution to the Leonardo da Vinci II programme, the following yearly amounts (in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
300 000	425 000	400 000	400 000	400 000	Amount to be specified later

— for the contribution to the Socrates II programme, the following yearly amounts (in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
300 000	425 000	400 000	400 000	400 000	Amount to be specified later

— for the contribution to the Youth programme, the following yearly amounts (in EUR)

Year 2001	Year 2002	Year 2003	Year 2004	Year 2005	Year 2006
300 000	350 000	400 000	400 000	400 000	Amount to be specified later

The remaining part of the contribution of Malta will be covered from the Maltese State budget.

6. The financial regulation applicable to the general budget of the European Union will apply, notably to the management of the contribution of Malta.

Travel costs and subsistence costs incurred by representatives and experts of Malta for the purposes of taking part as observers in the work of the committees referred to in Annex I, Point 11 or other meetings related to the implementation of the Programmes shall be reimbursed by the Commission on the same basis as and in accordance with the procedures currently in force for nongovernmental experts of the Member States of the European Union.

7. After the entry into force of this Agreement and at the beginning of each following year, the Commission will send to Malta a call for funds corresponding to its contribution to each of the respective programmes under this Agreement.

This contribution shall be expressed in Euros and paid into an Euro bank account of the Commission.

Malta will pay its contribution according to the call for funds:

- by 1 May for the part financed from its national budget, provided that the call for funds is sent by the Commission before 1 April, or at the latest one month after the call for funds is sent if later;
- by 1 May for the part financed from the pre-accession funds, provided that the corresponding amounts have been sent to Malta by this time, or at the latest in a period of 30 days after these funds have been sent to Malta.

Any delay in the payment of the contribution shall give rise to the payment of interest by Malta on the outstanding amount from the due date. The interest rate corresponds to the rate applied by the European Central Bank, on the due date, for its operations in Euro, increased by 1,5 percentage points.