

**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**

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

of the one part, and

THE REPUBLIC OF AZERBAIJAN, hereinafter referred to as 'Azerbaijan'

of the other part,

hereinafter jointly referred to as 'the Parties',

Whereas:

- (1) Azerbaijan has concluded a Partnership and Cooperation Agreement with the European Communities and their Member States ('the Agreement') <sup>(1)</sup>, which entered into force on 1 July 1999.
- (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 2004.
- (3) The Council has, on numerous other 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 2006 to enable ENP partner countries to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Azerbaijan has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions regarding the participation of Azerbaijan in each particular Union programme, in particular, the financial contribution to be paid by Azerbaijan as well as reporting and evaluation procedures, should be determined by agreement between the European Commission and the competent authorities of Azerbaijan,

HAVE AGREED AS FOLLOWS:

*Article 1*

Azerbaijan shall be allowed to participate in all current and future Union programmes which are open to the participation of Azerbaijan under the relevant provisions adopting those programmes.

*Article 2*

Azerbaijan shall make financial contributions to the general budget of the European Union corresponding to the specific programmes in which Azerbaijan participates.

*Article 3*

Azerbaijan's representatives shall be allowed to take part, as observers and for the points which concern Azerbaijan, in the management committees responsible for monitoring the Union programmes to which Azerbaijan makes financial contributions.

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<sup>(1)</sup> 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 (OJ L 246, 17.9.1999, p. 3).

*Article 4*

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

*Article 5*

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

2. In the event that Azerbaijan applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council <sup>(1)</sup> or pursuant to any similar Regulation providing for external assistance of the Union to Azerbaijan that may be adopted in the future, the conditions governing the use by Azerbaijan of external assistance of the Union shall be determined in a financing agreement in accordance with, in particular, Article 20 of Regulation (EC) No 1638/2006.

*Article 6*

1. Each agreement concluded pursuant to Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(2)</sup>, that 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, penalties and recovery granting the European Commission, the European Anti-Fraud 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. This Protocol shall terminate six months after the date of such notification. The termination of the Protocol due to denunciation by any of the Parties shall not affect the checks and controls to be carried out, where appropriate, in accordance with Articles 5 and 6.

*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 Azerbaijan 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 Azerbaijan.

<sup>(1)</sup> Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument (OJ L 310, 9.11.2006, p. 1).

<sup>(2)</sup> 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 L 298, 26.10.2012, p. 1).

*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 this Protocol from the date of its signature, pending its conclusion at a later date.

*Article 11*

This Protocol shall form an integral part of the Agreement.

*Article 12*

This Protocol 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 and Azerbaijani languages, each text being equally authentic.

За Европейския съюз  
 Por la Unión Europea  
 Za Evropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Za Europsku uniju  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Għall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
 Avropa İttifaqı adından



Martin Schulz

За Република Азербайджан  
 Por la República de Azerbaiyán  
 Za Ázerbájdžánskou republiku  
 For Republikken Aserbajdsjan  
 Für die Republik Aserbajdschan  
 Aserbaidžaani Vabariigi nimel  
 Για τη Δημοκρατία του Αζερμπαϊτζάν  
 For the Republic of Azerbaijan  
 Pour la République d'Azerbaïdjan  
 Za Republiku Azerbajdžan  
 Per la Repubblica dell'Azerbaigian  
 Azerbaidžānas Republikas vārdā  
 Azerbaidžano Respublikos vardu  
 Az Azerbajdzsán Köztársaság részről  
 Għar-Repubblika ta' l-Azerbajġan  
 Voor de Republiek Azerbeidzjan  
 W imieniu Republiki Azerbejdżanskiej  
 Pela República do Azerbaijão  
 Pentru Republica Azerbaidjan  
 Za Azerbajdžanskú republiku  
 Za Azerbajdžansko republiko  
 Azerbaidžanin tasavallan puolesta  
 För Republiken Azerbajdzjan  
 Azərbaycan Respublikası adından

