



KOMISIJA EVROPSKIH SKUPNOSTI

Bruselj, 4.12.2006
COM(2006) 724 konč.

SPOROČILO KOMISIJE SVETU IN EVROPSKEMU PARLAMENTU

o splošnem pristopu, s katerim se partnerskim državam Evropske sosedске politike omogoči sodelovanje v agencijah Skupnosti ter v programih Skupnosti

SPOROČILO KOMISIJE SVETU IN EVROPSKEMU PARLAMENTU

o splošnem pristopu, s katerim se partnerskim državam Evropske sosedske politike omogoči sodelovanje v agencijah Skupnosti ter v programih Skupnosti

Uvod:

Pomembno poglavje Evropske sosedske politike (ESP) je možnost, da partnerske države ESP sodelujejo v določenih politikah in programih Skupnosti ali da vzpostavijo tesnejše sodelovanje z njimi. To vključevanje lahko poteka v dveh oblikah:

- sodelovanje države ESP, oziroma status opazovalke v, ali vključitev v delovanje posameznih agencij ali drugih organov, ki so vključeni v upravljanje politik Skupnosti (npr. Evropska agencija za pomorsko varnost, Evropska agencija za okolje, Evropski center za spremljanje rasizma in ksenofobije, Nadzorni organ za Galileo itd.);
- vključevanje partneric ESP v izvajanje politik Skupnosti (npr. raziskave in razvoj, varstvo potrošnikov, informacijska družba, konkurenčnost in inovativnost itd.). Za vsak program bo treba odločiti, ali naj financiranje sodelovanja partnerskih držav ESP zagotavljajo države same (kot je to v primeru članic Evropskega gospodarskega prostora) ali naj poteka iz proračuna EU (bodisi iz ustreznih notranjih programskih sredstev, kadar so predvidena v pravni podlagi, bodisi iz namenskega financiranja v okviru Evropskega sosedskega in partnerskega instrumenta – ESPI).

Komisija je za oceno možnosti napredka na teh področjih začela obsežen pregled obstoječih agencij in programov. Na tej podlagi to sporočilo predstavlja dva različna pristopa, enega za sodelovanje v agencijah Skupnosti, drugega za sodelovanje v programih Skupnosti.

Kar zadeva prvega, bo treba s pogajanja skleniti posamezne sporazume z vsako partnerico ESP in z vsako agencijo. Kar zadeva drugi pristop in da bi se izognili zamudnemu postopku oblikovanja številnih sklepov v svetih za sodelovanje ali svetih za pridružitve, ki bi določili podrobna tehnična načela in pogoje za sodelovanje vsake države v vsakem programu za vsak primer posebej, to sporočilo predvideva dvostopenjski pristop, ki se zgleduje po preteklih izkušnjah s predpristopnimi državami. Kot prvi korak si bo Komisija prizadevala pridobiti mandat za pogajanja o protokolu o splošnem pooblastilu k vsakemu sporazumu o partnerstvu in sodelovanju ali pridružitvenemu sporazumu, začeni s tistimi partnerskimi državami, ki so se že dogovorile o Akcijskih načrtih ESP. Ko bodo ti protokoli ratificirani, bodo zagotavljali trdno pravno podlago za veliko preprostejše postopke memorandumov o soglasju, lastnih vsakemu programu, s partnericami ESP, ti memorandumi pa bodo določali podrobnosti sodelovanja v programih v interesu obeh strani. Posamičen pristop za vsak primer posebej bi bil še vedno mogoč, vendar bi bil rezerviran za prednostne primere.

Komisija namerava predstaviti priporočila o posameznih mandatih za dodatne protokole k sporazumom o partnerstvu in sodelovanju ali pridružitvenim sporazumom spomladi leta 2007.

Ozadje

Strateški dokument o Evropski sosedski politiki (ESP) z dne 12. maja 2004¹ je določil cilj politike, ki je omogočiti šestnajstim partnericam Evropske sosedske politike (Alžirija, Armenija, Azerbajdžan, Belorusija, Egipt, Gruzija, Libanon, Libija, Izrael, Jordanija, Moldavija, Maroko, Sirija, Palestinska uprava, Tunizija in Ukrajina) sodelovanje v ustreznih programih Skupnosti. V strateškem dokumentu je bilo navedeno, da Komisija „izvaja raziskavo programov in agencij EU, kjer bi bilo sodelovanje sosednjih držav v interesu razširjene EU in sosednjih držav“. Dokument je pojasnjeval, da „Evropska sosedska politika predvideva postopno odpiranje določenih programov Skupnosti, na osnovi skupnih interesov in razpoložljivih virov“. Prav tako je navajal, da „so nekatere partnerice pokazale interes za sodelovanje, morebiti kot opazovalke, v nekaterih forumih Skupnosti za sodelovanje in odločanje“. Svet je 14. junija 2004 sprejel to strategijo.

Akcijski načrti ESP, ki so bili dogovorjeni in veljajo z desetimi partnericami ESP (Armenijo, Azerbajdžanom, Gruzijo, Izraelom, Jordanijo, Moldavijo, Marokom, Palestinsko upravo, Tunizijo in Ukrajino) ali so trenutno v postopku sprejemanja (Egipt, Libanon) vsebujejo standardno besedilo, s katerim ESP odpira nove partnerske perspektive, vključno z „možnostmi za postopno odpiranje ali okrepljeno sodelovanje v ustreznih programih Skupnosti“. En Akcijski načrt ESP prav tako vsebuje posebno besedilo, ki Evropsko skupnost zavezuje „k celovitem pregledu vseh programov in organov Skupnosti s ciljem, da se jih odpre za sodelovanje [partnerice ESP]“.

Dejanska izbira posebnih programov in agencij, v katerih bi lahko sodelovale partnerice ESP, je odvisna od opredelitve ustreznega interesa Evropske skupnosti, partnerskih držav ESP ter udeleženih agencij, pa tudi od rezultatov pogajanj, povezanih s programom, agencijo in državo.

To sporočilo zagotavlja povzetek informacij o agencijah in programih, ki so na voljo za morebitno sodelovanje partneric ESP, ter želi oblikovati splošni pristop za doseganje zgoraj navedenega cilja politike.

Utemeljitev

Sodelovanje partnerskih držav ESP v agencijah in programih Skupnosti predstavlja veliko priložnost za nadaljnjo krepitev Evropske sosedske politike.

Nekatere agencije so verjetno tudi same zainteresirane za strokovno znanje in izkušnje partneric ESP, drugim pa bo cilj Evropske unije, ki je z ESP spodbujati in podpirati zakonodajne in pravne reforme ter vzpostavljanje institucij v sosedskih državah, predstavljal splošni interes Skupnosti. Izpolnjevanje predpogojev za sodelovanje v dejavnostih agencij Skupnosti – kot je približevanje pravnemu redu Skupnosti ali oblikovanje ustreznih nacionalnih institucij s primernimi zmogljivostmi – bo v številnih primerih delovalo kot pospeševalec in korak v smeri reform in posodobitev ustreznih sektorjev. Pogosto bo tudi delovalo kot učinkovito sredstvo za pospeševanje zблиževanja partneric ESP z normami, standardi, najboljšimi praksami in pravnimi zahtevami EU. Zato je element pozitivnega pogojevanja samodejno vključen v ta pristop. Sodelovanje je v skladu s ciljem ESP, ki je

¹ Sporočilo COM(2004) 373 konč.

projicirati notranje politike EU navzven, da se tako pomaga pospeševati blaginjo, stabilnost ter varnost v soseščini.

Nekateri programi Skupnosti, kjer pravna podlaga to omogoča, so že bili selektivno odprti, tako da je omogočeno sodelovanje kandidatk in pred-kandidatk ter tudi držav EGP in Švice. Pretekle izkušnje z državami nečlanicami so pokazale, da ima lahko sodelovanje v programih Skupnosti zelo pozitivne učinke. Na ravni politike in uprave je takšno sodelovanje pospeševalo razvoj in sprejetje strategij na številnih področjih politik, ki so pomembne za reforme in prehod. Partnerske države je spodbudilo k sprejetju novih vzorcev posvetovanj in vključenosti zasebnega sektorja. Oblikovalcem politike iz tretjih držav je omogočilo večji dostop do specializiranih mrež in jim omogočilo vpogled v praktične vidike oblikovanja politike EU. V nekaterih primerih je sodelovanje pripeljalo do ustanovitve novih institucij, v drugih primerih pa do krepitev upravne zmogljivosti ter pravne moči obstoječih institucij. Je bistvenega pomena za prenos najboljše prakse. In končno, takšno sodelovanje je Evropsko unijo tudi naredilo bolj vidno v tretjih državah.

Pravni predpogoji

Ustanovne uredbe (statuti) agencij pogosto vključujejo možnost sodelovanja tretjih držav.

Pravne podlage programov Skupnosti pogosto omogočajo možnost sodelovanja tretjih držav (tj. vsebujejo „klavzulo o odprtosti“).

Poleg tega je treba oblikovati po mednarodnem pravu zavezujoče sporazume, s katerimi bodo določena splošna načela in pogoji za sodelovanje partneric ESP.

Sodelovanje v agencijah Evropske skupnosti

Evropska skupnost in Evropska unija sta do sedaj ustanovili 21 neizvršilnih agencij v svojih področjih pristojnosti, na podlagi raznolikih pravnih podlag prvega stebra. Še tri so tik pred ustanovitvijo. Te agencije se pogosto financirajo iz proračuna Skupnosti. Nekatero se financirajo same. Trije drugi takšni organi temeljijo na določbah drugega stebra in delujejo pod nadzorom Sveta, njihov proračun pa se financira izključno z nacionalnimi prispevki držav članic EU. Še trije nadaljnji organi so ustanovljeni po določbah tretjega stebra. To skupaj zneso 30 različnih organov in agencij (glej Prilogo A).

Evropsko regulativno agencijo je mogoče opredeliti kot neodvisni pravni subjekt, ustanovljen na pobudo zakonodajalca, da bi sodeloval pri urejanju določenega sektorja v evropskem merilu in pri izvajanju določene politike Skupnosti. S svojimi nalogami dejansko izboljšuje uporabo pravil po vsej EU.

V številnih primerih njihove ustanovne uredbe vsebujejo standardno določbo, da „v agenciji lahko sodelujejo tretje države, ki so z Evropsko skupnostjo sklenile sporazume, ki predvidevajo, da bodo te tretje države sprejele in uporabile zakonodajo Skupnosti na področju, ki ga pokriva temeljni akt. V okviru teh sporazumov se pripravijo dogovori, ki podrobno določajo predvsem naravo in podrobna pravila sodelovanja teh držav pri delu agencije, vključno z določbami o sodelovanju v nekaterih notranjih organih, o finančnih

prispevkih in zaposlovanju osebja². Vendar pa bo to vedno pomenilo sodelovanje v njihovih organih odločanja brez pravice do glasovanja. Prav tako sodelovanje v dejavnostih agencije ne bo samodejno vodilo do članstva v tej agenciji.

Ko evropski zakonodajalec ustanovi agencijo na podlagi ustrezne sekundarne zakonodaje, s predpisom posebnih določb za vsako agencijo določi tudi različne pogoje za sodelovanje tretjih držav, odvisno od sektorja, v katerem je vsaka takšna agencija dejavna (glej Prilogo B).

Oblikovanje politike o sodelovanju partneric ESP

Dejanske ureditve za sodelovanje posameznih partnerskih držav ESP v posebnih agencijah bo treba določiti s pogajanjem in pri tem prepoznati in oceniti interese Skupnosti ter posamezne partnerice ESP. Vključevanje partneric ESP v agencije, v katerih je njihovo sodelovanje mogoče, bo treba izvesti postopno in selektivno, ob upoštevanju vzajemnih koristi takšnega sodelovanja, pa tudi predpogojev za sodelovanje v njihovih dejavnostih. Absorpcijsko sposobnost agencije je treba obravnavati kot predpogoj. Komisija bo okrepila svoje stike z vsemi partnericami ESP, da bi ugotovila njihove možnosti za selektivno sodelovanje v agencijah Skupnosti, na osnovi prednosti, ki jo vsaka partnerska država namenja vprašanju, in njene dolgoročne zavezanosti za podporo sodelovanju. Z uporabo rednega dialoga v različnih organih, ustanovljenih na podlagi sporazumov o partnerstvu in sodelovanju ali pridružitvenih sporazumov (tj. svetih, odborih in pododborih za sodelovanje in pridružitve), se bodo partnerske države ESP spodbujale, da bodo prepoznale in predstavile svoje dejanske interese in zmogljivosti za sodelovanje v delu agencij Skupnosti.

Vzporedno s pripravo formalnih sporazumov, ki bodo partnericam ESP omogočali sodelovanje v agencijah Skupnosti, bo treba raziskati in spodbujati tudi druge poti za postopno krepitev tehničnega sodelovanja agencij s sosedskimi državami in njihovo pripravo na morebitno sodelovanje. Ta naloga bo morala ustrezno vključevati upravne odbore posameznih agencij.

Brez poseganja v izide bolj konkretnih posvetovanj, Komisija ocenjuje, da so naslednje dejavnosti agencij Skupnosti kratkoročno najustreznejše za partnerice ESP:

- Sodelovanje v Evropski agenciji za varnost omrežij in informacij (ENISA) bo zahtevalo sprejetje in uporabo zakonodaje Skupnosti na področju varnosti omrežij in informacij, vendar pa bo omogočeno vsem zainteresiranim partnericam. Partnerice ESP, ki so podpisnice Čikaške konvencije³ in se strinjajo s sprejetjem in uporabo zakonodaje Skupnosti na zadevnem področju, lahko sodelujejo v Evropski agenciji za varnost v letalstvu (EASA). Tistim tretjim državam, ki so z Evropsko skupnostjo sklenile sektorske sporazume, je mogoče podeliti status posebne opazovalke v EASA. Nekatere od teh tretjih držav že uživajo določeno stopnjo sodelovanja kot članice JAA (Skupnih letalskih oblasti), saj je od leta 2003 EASA tudi članica JAA. Poleg tega lahko evropske partnerice ESP, ki niso članice JAA, ter tudi neevropske države sodelujejo z EASA skozi delovne dogovore, sklenjene v obliki upravnih ureditev med njihovimi civilnimi letalskimi upravami ter agencijo, da bi tako omogočili učinkovitejše postopke preverjanja in olajšali izdajo certifikatov za letalske proizvode. In končno, partnerice ESP s pomembno letalsko

² Ta standardna klavzula je vključena tudi v točko 24 predloga Komisije za Medinstitucionalni sporazum o skupnem okviru za evropske regulativne agencije, Sporočilo z dne 25. februarja 2005, COM(2005) 59 konč.

³ Konvencija o mednarodnem civilnem letalstvu (Čikaška konvencija) z dne 7. decembra 1944.

proizvodnjo lahko z Evropsko skupnostjo sklenejo sporazume o medsebojnem priznavanju certifikacijskih ugotovitev ter tako uživajo visoko stopnjo zakonodajnega in upravnega sodelovanja z EASA. Pod pogojem, da so s Skupnostjo sklenili sporazume o sprejetju in uporabi zakonodaje Skupnosti, je mogoče oblikovati določbe za sodelovanje partneric ESP v Evropski agenciji za pomorsko varnost (EMSA) ter evropskih partneric ESP v Evropski agenciji za železniški promet (ERA). Podobno je sodelovanje partneric ESP v dejavnostih Evropske agencije za varnost hrane pogojeno s sprejetjem in uporabo celotne zakonodaje EU, povezane z varnostjo živil in krme⁴. Evropska agencija za okolje (EEA) – agencija Skupnosti, ki ima po pristopu Švice sedaj 32 članic – trenutno raziskuje možnosti za sodelovanje izbranih držav ESP v določenih dejavnostih EEA. Že sedaj namenja prednost sodelovanju s partnericami ESP v procesih regionalnega sodelovanja (kot je proces Okolje za Evropo pod vodstvom UNECE, z okoljem povezane dejavnosti v okviru Evro-sredozemskega procesa ali Komisije za Črno morje).

- Za sedaj sodelovanje partneric ESP ni mogoče v nekaterih agencijah Skupnosti, ki so omejene na podporo državam članicam ES pri njihovi uporabi določenih notranjih politik Skupnosti, kot so, na primer, Evropski center za razvoj poklicnega usposabljanja (Cedefop), Urad za usklajevanje na notranjem trgu (OHIM) ali Urad Skupnosti za rastlinske sorte (CPVO).

Glavni namen drugih agencij pa je ravno sodelovanje s tretjimi državami, vključno s partnericami ESP, kot je to v primeru Evropske fundacije za usposabljanje. Ker so partnerice ESP seveda sogovornice takšnih agencij ES, v njih ne morejo sodelovati kot opazovalke ali podobno.

Nekatere druge agencije trenutno predvidevajo zgolj selektivno sodelovanje s tretjimi državami kot zunanjimi partnericami v posebnih dejavnostih. O podrobnostih takšnega sodelovanja odloča upravni odbor ustrezne agencije. Na primer, priložnostno sodelovanje partneric ESP v različnih dejavnostih, kot so strokovni odbori, seminarji in raziskave Evropske fundacije za izboljšanje življenjskih in delovnih razmer (Eurofound), se zdi zaželeno in izvedljivo. Prav tako si je mogoče predstavljati sodelovanje v informacijskih dejavnostih in nacionalnih informacijskih mrežah Evropske agencije za varnost in zdravje pri delu (EU-OSHA). Ko bodo agencije, kot je Evropski center za preprečevanje in nadziranje bolezni (ECDC), ki sedaj s partnericami ESP sodeluje neformalno pri izbranih vprašanjih, kot je aviarna influenza, zaključile s svojo zagono fazo, bodo lahko vključile daljnosežnejše sodelovanje partneric ESP. Uredba o ustanovitvi Agencije Skupnosti za nadzor ribištva omogoča sodelovanje tretjih držav pri nadzoru in inšpekciji ribištva.

Razmere in možnosti za sodelovanje partnerskih držav ESP⁵ se zato med agencijami zelo razlikujejo.

V številnih primerih bo potreben postopen pristop, začeni z izvajanjem programov sodelovanja, s katerimi se bodo partnerske države ESP spoznale z delom agencij. Njihov cilj bo izvesti predhodne priprave v smislu sprejetja pravnega reda Skupnosti in nadgradnje upravnih zmogljivosti, kadar je to predpogoj za sodelovanje. Šele po tem, ob prednosti

⁴ 375 direktiv o varnosti živil in krme, 95 direktiv o zdravju živali, 84 direktiv o zdravju rastlin ter okoli 400 uredb ter številni sklepi, odločbe in priporočila.

⁵ Izraz „partnerske države“ kot se uporablja v tem sporočilu, vključuje tudi Palestinsko upravo.

izkušenj, pridobljenih med programi sodelovanja, bi bilo primerno proučiti možnost sklenitve sporazuma o vključenosti v delo zadevnih agencij.

Čeprav niso odprti za članstvo partnerskih držav ESP, pa Evropski policijski urad (Europol), Urad za evropsko pravosodno sodelovanje (Eurojust) in Evropska agencija za upravljanje in operativno sodelovanje na zunanjih mejah držav članic EU (Frontex) nudijo zanimive možnosti za sodelovanje z njimi. Z več tretjimi državami, vključno z Rusko federacijo, so sklenjeni sporazumi o sodelovanju, druge države, kot npr. ZDA in Hrvaška, pa imajo sklenjene operativne sporazume. Pri izbiranju partnerskih držav so upoštevane prednostne naloge zunanjih odnosov Evropske unije ter tudi prednostne naloge, ki temeljijo na operativnih potrebah.

Sodelovanje v programih Evropske skupnosti

Komisija upravlja vrsto področnih programov Skupnosti (npr. Aeneas, Tempus, Erasmus Mundus), ki so posebej zasnovani za podporo tretjim državam, zlasti partnericam ESP. Ti zunanji programi niso predmet tega sporočila.

To sporočilo se nanaša zgolj na notranje programe Skupnosti, ki so bili ustanovljeni za pomoč državam članicam EU in za podporo notranjih politik Evropske skupnosti. Ti programi so celovito povezana vrsta ukrepov, ki jih Evropska skupnost sprejme za pospeševanje sodelovanja med državami članicami na različnih posebnih področjih ter v roku več let, da doseže cilje, ki jih je zastavila Skupnost. Načeloma so oblikovani izključno za države članice, na podlagi posebnih dodelitev iz splošnega proračuna EU. Vendar uredbe o ustanovitvi takih programov v številnih primerih omogočajo možnost sodelovanja tretjih držav, ob pogoju, da so izpolnjena nekatera splošna načela in pogoji. Poleg tega, odvisno od zadeve, imajo nekateri notranji programi zunanjo razsežnost.

Evropske institucije trenutno ustanavljajo nove programe Skupnosti, ki bodo financirani v okviru finančne perspektive 2007–2013. Ti programi so deloma naštetih v Sporočilu Komisije z dne 22. maja 2006⁶, ki povzema paket zakonodajnih predlogov, predloženih v odločanje. Vendar pa Sporočilo ne vključuje zakonodajnih predlogov, o katerih je bil politični dogovor dosežen po 17. maju 2006. Celovitejša podoba se trenutno še oblikuje, saj zakonodajni postopek za številne od teh programov še vedno poteka. Zato je mogoče pripraviti le predhodni seznam zadevnih pravnih podlag (Priloga C), ki pa se še lahko spremeni.

V številnih primerih bodo ti novi programi Skupnosti nadomestili sedanje programe, ki se zaključijo ob koncu leta 2006. Zato se to sporočilo osredotoča zgolj na programe, ki bodo potekali dlje, kot do konca tega leta.

Številne od teh pravnih podlag določajo, da je program lahko „odprt za sodelovanje tretjih držav, če tako omogočajo sporazumi“. Nekateri od teh „klavzul o odprtosti“ posebej določajo možnost, da tretje države (zlasti države, ki jih vključuje ESP) sodelujejo „v skladu s pogoji, določenimi v ustreznih sporazumih o določitvi splošnih načel njihovega sodelovanja v programih Skupnosti“.

Obstoječi sporazumi o partnerstvu in sodelovanju ali pridružitveni sporazumi s partnericami ESP ne vsebujejo določb, ki se nanašajo na programe Skupnosti. Zato se zdi nujno, da se

⁶ SEC(2006) 665.

sklenejo protokoli k tem sporazumom v skladu zlasti s členom 300 Pogodbe o ustanovitvi Evropske skupnosti ter s sklicem na notranje pravne podlage za različne zadevne programe Skupnosti. Ti protokoli bi vsebovali okvirne sporazume, ki bi določali splošna načela in pogoje sodelovanja partneric ESP in bi delovali kot podlaga za memorandume o soglasju, ki bi določali posebne tehnične, finančne ter administrativne ureditve za individualno sodelovanje partneric ESP v posebnih programih.

Oblikovanje dosledne politike o vključevanju partneric ESP

Interes za sodelovanje in uporabnost sodelovanja v različnih programih Skupnosti se bo med partnericami ESP in Skupnostjo razlikoval. Kratek pregled področij politik pokaže naslednje:

- Okvirni program za konkurenčnost in inovativnost, skupaj z elementoma podjetništva in inovativnosti, pomeni veliko spremembo pri podpori podjetništva znotraj Evropske skupnosti. Sodelovanje partnerskih držav ESP bo primerno, ob ustreznih dvostranskih sporazumih.
- Ko bo upravljanje njegovega novega podprograma, programa Inteligentna energija – Evropa, utrjeno, bo tudi sodelovanje v njem lahko predmet posebnih sporazumov.
- Enako velja za tretji element Okvirnega programa za konkurenčnost in inovativnost, tj. Podporni program za politiko IKT.
- Različne stopnje vključenosti v program MEDIA 2007 so na voljo evropskim partnerskim državam ESP, ki so ratificirale Konvencijo Sveta Evrope o čezmejni televiziji. Združljivost njihove zakonodaje s področja medijev in avdiovizualnega sektorja z zakonodajo Skupnosti, vključno z njeno zunanjo razsežnostjo (npr. ratifikacijo Konvencije Unesca o kulturni raznolikosti) je splošni predpogoj za sodelovanje v tem programu. Vse stopnje vključenosti v sodelovanje zahtevajo dogovore o dodatnih proračunskih sredstvih in posebnih ureditvah, pa tudi sporazum o finančnem prispevku sodelujoče države.
- Program o prometu Marco Polo omogoča sodelovanje sosednjih držav na podlagi odobritve dodatnih proračunskih sredstev v skladu s postopki, dogovorjenimi z zadevnimi državami.
- Najširša možna vključenost partnerskih držav ESP je zaželeno v programu SESAR, ki je tehnološka komponenta Enotnega evropskega neba. Ko bodo tretje države podpisale horizontalni sporazum o zračnem prometu – partnerske države ESP Azerbajdžan, Gruzija, Libanon, Moldavija, Maroko in Ukrajina so že podpisale ali so v postopku, da to storijo – bodo upravičene, da postanejo članice skupnega podjetja SESAR.
- Program javnega zdravja za obdobje 2007–2013 predvideva morebitno sodelovanje tretjih držav, zlasti partnerskih držav ESP.
- Enako velja za program politike varstva potrošnikov za obdobje 2007–2013. Posebno vsebino sodelovanja partnerskih držav ESP bo treba določiti glede na njihov napredek pri približevanju pravnemu redu Skupnosti na tem področju.
- Predloga Komisije o programih Carine 2013 in Fiscalis 2013 ob pogoju oblikovanja okvirnega sporazuma, predvidevata sodelovanje tistih partnerskih držav ESP, ki so svojo

zakonodajo in upravne metode na tem področju v zadostni stopnji približale zakonodaji in upravnim metodam Skupnosti.

- Pericles, program Skupnosti za izmenjavo, pomoč in usposabljanje za zaščito eura proti ponarejanju, predvideva, da bo odprt za države nečlanice, če bodo v proračunu Skupnosti odobrena proračunska sredstva, pod pogoji ter v skladu z ureditvami, ki bodo dogovorjene s temi državami.
- Program o interoperabilnem zagotavljanju vseevropskih e-vladnih storitev javnim upravam, podjetjem in državljanom (IDABC) predvideva mednarodno sodelovanje s tretjimi državami, vključno s partnerskimi državami ESP, v skladu z določbami člena 14(2) Sklepa 2004/387/ES o sprejetju tega programa brez poseganja v katero koli drugo določbo tega sklepa. Stroškov, povezanih s takšnim sodelovanjem, ne bo kril program.

Razen teh strogo notranjih programov, ki so pogojno odprti za sodelovanje partnerskih držav ESP, so nekateri programi Skupnosti že zasnovani tako, da omogočajo posebne oblike sodelovanja partneric ESP. Ponujajo načrtane poti vključevanja posameznikov in organov iz partnerskih držav ESP brez potrebe po določitvi splošnih načel in pogojev v okvirnih sporazumih, ki bi bili sprejeti v protokolih k sporazumom o partnerstvu in sodelovanju ali pridružitvenim sporazumom:

- 7. okvirni program za raziskave že predvideva možnosti financiranja organizacij partneric ESP.
- Program vseživljenjskega učenja predvideva možnost financiranja partneric iz tretjih držav, ki sodelujejo v partnerstvu, projektih in mrežnih dejavnostih, do višine 1 % proračuna programa.
- Program Kultura o spodbujanju kulturnega povezovanja med ustvarjalnimi umetniki, kulturnimi akterji in kulturnimi institucijami, je odprt za povezovanje (ne pa za sodelovanje) s tretjimi državami, ki so z Evropsko skupnostjo sklenile pridružitvene sporazume ali sporazume o sodelovanju (kot so partnerske države ESP), ki vključujejo kulturne klavzule, na podlagi dodatnih proračunskih sredstev in posebnih postopkov.
- Program Mladina v akciji za obdobje 2007–2013 predvideva sodelovanje s tretjimi državami, ki so z Evropsko skupnostjo podpisale sporazume, pomembne za področje mladine (tako imenovane „partnerske države“). Stopnja sodelovanja tako omogoča vključenost udeležencev iz partnerskih držav ESP v večini dejavnosti, ki jih podpira program.
- Program Hercule II omogoča izdatke za zaščito finančnih interesov Skupnosti, ki nastanejo s sodelovanjem držav, ki jih obsega ESP.
- Projekti v okviru različnih programov na področju pravosodja, svobode in varnosti, ki so financirani z okvirnim programom Temeljne pravice in pravosodje, lahko vključujejo tretje države, kot so partnerice ESP, kadar je njihova vključenost v interesu ciljev programov. Okvirni program Varnost in varstvo svoboščin tudi omogoča, da tretje države sodelujejo v posameznih projektih.

- Evropski sklad za regionalni razvoj (ESRR) lahko financira nekatere dejavnosti izven ozemlja Evropske skupnosti v okviru čezmejnega, transnacionalnega ali medregionalnega sodelovanja.

In končno, nekateri programi Skupnosti se ne zdijo primerni za sodelovanje partneric ESP, kot je program Evropa za državljane, ki spodbuja aktivno evropsko državljanstvo. Drugi programi, kot so eVsebineplus, Varnejši internet plus ali Solidarnost in upravljanje migracijskih tokov niso odprti za nikakršno obliko sodelovanja ali soudeležbe partnerskih držav ESP. Tako je tudi v primeru programa Skupnosti za zaposlovanje in socialno solidarnost (Progress), ki je usmerjen v podporo izvajanja ciljev Evropske unije pri zaposlovanju in na socialnem področju, kot so določeni v socialni agendi.

Metodologija

Metodologija, ki omogoča sodelovanje partneric ESP, se med agencijami Skupnosti in programi Skupnosti razlikuje.

Sodelovanje partneric ESP v agencijah bo zahtevalo dvostranske sporazume, ki bodo morali biti pripravljene za vsak primer posebej, posamezno in ločeno za vsako partnerico ESP ter vsako agencijo. Sporazumi te narave bodo obravnavali vprašanja, kot so izpolnjevanje zakonodajnih in upravnih predpogojev za sodelovanje (npr. popolna prilagoditev pravnemu redu Skupnosti), privilegiji in imunitete uradnikov agencij med njihovimi misijami v partnerskih državah ESP, delovna dovoljenja in določbe socialne varnosti ter druga statusna vprašanja, povezana z državljani partnerskih držav ESP, napoteni na delo v agencije, prenos suverenih pravic, povezanih z zadevnimi agencijami, pravico agencij, da pri svojih odnosih s partnerskimi državami ESP uporabljajo zakonodajo Skupnosti, ter določbe glede finančnega nadzora.

Glede programov Skupnosti Komisija predlaga, da se smiselno sledi praksi, že ustaljeni pri odnosih z državami kandidatkami in predkandidatkami⁷ (tako imenovan „okvirni pristop“ v uporabi od leta 2002). Ta metodologija vključuje dva glavna koraka:

Pravne podlage ustreznih programov pogosto zahtevajo, da se načela in pogoje sodelovanja tretjih držav določi s sporazumi med Skupnostjo in zadevnimi državami. Trenutno veljajo sporazumi o partnerstvu in sodelovanju ali pridružitveni sporazumi z vsemi partnericami ESP razen treh (sporazum o partnerstvu in sodelovanju z Belorusijo je trenutno „zamrznjen“; pridružitveni sporazumi s Sirijo še ni podpisan; z Libijo pa še ni bilo pogajanj o pridružitvenem sporazumu), vendar ne vključujejo nikakršnih določb v ta namen. Zato bi bilo najbolje z vsako partnerico ESP oblikovati dodaten protokol k okvirnem sporazumu⁸, ki bi določal splošna načela sodelovanja in omogočal takšno sodelovanje v programih, katerih pravna podlaga vključuje določbe o „odpiranju“ za države ESP (glej Prilogo C).

Zdi se primerno začeti pogajanja o teh protokolih s tistimi partnerskimi državami ESP, s katerimi so bili sklenjeni Akcijski načrti ESP. Ker je pridružitveni sporazum z Alžirijo začel

⁷ Glej, na primer, Sporočilo Komisije Svetu in Evropskemu parlamentu z dne 3. decembra 2003 o „pripravi za sodelovanje držav zahodnega Balkana v programih in agencijah Skupnosti“, COM(2003) 748 konč.

⁸ Primere takšnih okvirnih sporazumov in protokolov k stabilizacijsko-pridružitvenim sporazumom z določenimi državami zahodnega Balkana je mogoče najti v *Uradnem listu* št. L 192 z dne 22. julija 2005.

veljati v septembru 2005, je mogoče protokol oblikovati tudi s to državo, s čimer bi, ko bi bil Akcijski načrt ESP dogovorjen s to partnersko državo, omogočili tudi posvetovanja o memorandumu o soglasju.

Ti protokoli bi tudi določali, da se podrobnejša načela in pogoji sodelovanja določijo v posebnih memorandumih o soglasju za vsak program in pri tem ustrezno upoštevajo dejanski interesi obeh strani pri takem sodelovanju. Med drugim bodo določali pravila sodelovanja, zlasti potrebne upravne zmogljivosti in finančne prispevke, mehanizme za udeležbo pri upravljanju programa in določbe finančnega nadzora.

Ta „okvirni pristop“ nudi to prednost, da je z vsako partnerico ESP treba ratificirati le en protokol, s katerim se oblikuje okvirni sporazum, ki odpre pot za sklenitev memorandumov o soglasju, posebnih za vsak program. Ta metodologija Komisiji, ki deluje v imenu Skupnosti, omogoča oblikovanje in kasnejšo spremembo tehničnih in upravnih pogojev za sodelovanje posameznih partneric ESP v posebnih programih brez zamudnega postopka, ki bi v tako tehnične podrobnosti vključeval svete za sodelovanje in svete za pridružitve. Ta splošni pristop pa v prednostnih primerih jasno določenega interesa pristojnim organom ne preprečuje sprejemanja posamičnih odločitev, da določenim partnerskim državam ESP omogoči sodelovanje v posebnem programu, zlasti v primeru odsotnosti takšnega protokola.

Ti memorandumu o soglasju, o katerih bi se sporazumela Komisija in partner ESP, bi upoštevali standardno obliko, ki je že ustaljena za takšna soglasja, dosežena z državami kandidatkami in potencialnimi državami kandidatkami. V programih, ki jih v imenu Skupnosti upravljajo izvršilne agencije (deli Okvirnega programa za konkurenčnost in inovativnost in tudi programi Marco Polo, Inteligentna energija, Javno zdravje, Media ter 7. okvirni program za raziskave) jih bo treba pravočasno v celoti vključiti v pogajanja.

Finančni prispevki in pomoč Skupnosti

Partnerice ESP, ki jih zanima sodelovanje v agencijah Skupnosti in programih Skupnosti, bodo pozvane, da finančno prispevajo. Ker morajo biti njihovi finančni prispevki izračunani na podlagi posebnih značilnosti vsake posamezne zadevne agencije ali programa, je prispevke nemogoče določiti vnaprej. Merila za izračun stroškov udeležbe se od agencije do agencije in od programa do programa razlikujejo. V nekaterih primerih so odvisni od enačbe, ki temelji na BDP, v drugih primerih pa od nalog agencij in programov. Na izračune lahko prav tako vplivajo posebne značilnosti posameznih partneric ESP. Na splošno bodo izkušnje z državami kandidatkami zagotavljale smernice pri določanju ustreznih prispevkov, pričakovanih od partneric ESP.

Kot je navedeno zgoraj, programi Skupnosti, ustanovljeni za notranje namene, le redko omogočajo porabo proračuna za podporo sodelovanja s tretjimi državami.

Kot v primeru programov Skupnosti so tudi proračuni agencij Skupnosti praviloma notranje proračunske postavke. Zato bo treba sodelovanje držav nečlanic v agencijah v celoti pokriti bodisi z celotnim prispevkom za nastale stroške v proračunu Skupnosti, bodisi s programi sodelovanja, financiranimi skozi pomoč Skupnosti iz ESPI ali z drugimi donatorji.

Splošna generična pomoč za podporo sodelovanju v agencijah in programih, kot velja v primeru držav kandidatk in predkandidatk, za partnerske države ESP trenutno ni predvidena, saj je Evropska sosedska politika ločena od politike širitve Evropske unije. Vendar si ESP

prizadeva podpreti procese modernizacije in reform, zlasti institucionalno modernizacijo ter izgradnjo zmogljivosti v partnerskih državah ESP.

Zato je za vsak primer posebej takšna pomoč lahko vključena kot del rednega nacionalnega načrtovanja pomoči Skupnosti iz Evropskega sosedskega in partnerskega instrumenta (ESPI) skozi državne strategije in nacionalne okvirne programe. Ta pomoč, ki bi lahko bila omejena na dogovorjeno, vnaprej določeno obdobje, bi bila usmerjena v olajševanje sodelovanja države prejemnice ESPI v določenih programih ali agencijah ali za pomoč pri pripravi na sodelovanje s podporo njeni gradnji upravnih zmogljivosti ali približevanju zakonodaji, politikam in najboljši praksi Skupnosti. Pomoč je lahko koristna tudi pri podpori prejemnic za celovito izkoriščanje priložnosti, ki so na voljo v okviru takih programov.

Poročanje

Komisija bo Svetu in parlamentu redno poročala o napredku, doseženem pri izvajanju Evropske sosedske politike ter pri pospeševanju in izvajanju posameznih Akcijskih načrtov ESP. Ta poročila bodo vsebovala tudi informacije o sodelovanju v agencijah in programih. Komisija hkrati s tem sporočilom predstavlja tudi prvo takšno poročilo o napredku.

Pot naprej

Vrsta partnerskih držav ESP je že izrazila svoj interes za sodelovanje v izbranih agencijah in programih. Poleg tega se sklicujejo na različne Akcijske načrte ESP, ki obe strani zavezujejo k proučitvi možnosti za takšno sodelovanje.

Z doseženim napredkom pri sprejemu pravnih podlag za različne programe Skupnosti, ki bodo začeli veljati za finančno perspektivo 2007–2013, so sedaj vzpostavljeni naslednji predpogoji:

- (1) v okviru Evropske sosedske politike obstaja splošna zavezanost za odprtje agencij in programov Skupnosti za sodelovanje partneric ESP;
- (2) glede agencij in programov so posamezne partnerice ESP izrazile interes za sodelovanje v njihovih dejavnostih;
- (3) glede programov so sprejete odločitve o ustanovitvi programov Skupnosti za finančno perspektivo 2007–2013, kot tudi o možnosti njihovega odprtja za sodelovanje partneric ESP;
- (4) glede začetka pogajanj o dejanskih načelih in pogojih takšnega sodelovanja bodo kmalu sklenjeni Akcijski načrti ESP z dvanajstimi od šestnajstih partnerskih držav ESP, začel bo veljati pridružitveni sporazum z Alžirijo.

Na tej podlagi se zdi primerno začeti posvetovanja:

- (1) o selektivnem in postopnem dogovoru o razvoju sodelovanja posameznih partneric ESP v delu in dejavnostih določenih agencij Skupnosti, na osnovi prepoznanih skupnih interesov in izpolnjevanju potrebnih predpogojev;
- (2) o dogovoru o vrsti protokolov k ustreznim sporazumom o partnerstvu in sodelovanju ali pridružitvenim sporazumom, s katerimi bi se s temi trinajstimi partnericami ESP oblikovali okvirni sporazumi glede njihovega sodelovanja v programih Skupnosti; ter

- (3) o začetku tehničnih posvetovanj z namenom oblikovanja podrobnih memorandumov o soglasju na podlagi teh okvirnih sporazumov, s čimer bi določili tehnične podrobnosti takšnega sodelovanja v posameznih programih.

Redni stiki Komisije z zadevnimi partnericami ESP, zlasti v okviru odborov za sodelovanje ali pridružitvenih odborov, pa tudi posebnih pododborov, oblikovanih na podlagi teh sporazumov, zagotavljajo načine za začetek usmerjenih tehničnih posvetovanj, ki lahko prepoznajo dejanske skupne interese takega sodelovanja in nato določijo obseg, načela in pogoje. To je mogoče narediti tudi s sektorskimi sporazumi na ustreznih področjih.

Sklepne ugotovitve

Komisija poziva Svet, da podpre pristop, opisan v tem sporočilu, in pripravi sklepe o izvajanju tega vidika Evropske sosedске politike.

Na tej podlagi namerava Komisija predložiti priporočila za pooblastila o začetku pogajanj s partnericami ESP za oblikovanje navedenih protokolov.

Annex A

List of EC and EU agencies (non-executive, regulatory)

	Community agencies (1st pillar)	Seats	Founding acts
1	<p>CEDEFOP* (<i>European Centre for the Development of Vocational Training</i>)</p> <p>* Centre européen pour le Développement de la Formation Professionnelle</p>	Thessalonica/GR	Regulation (EEC) No 337/75 of the Council of 10 February 1975 establishing a European Centre for the Development of Vocational Training , <i>OJ L 39, 13.2.1975, p. 1</i>
2	<p>EUROFOUND (<i>European Foundation for the Improvement of Living and Working Conditions</i>)</p>	Dublin/IE	Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the improvement of living and working conditions , <i>OJ L 139, 30.5.1975, p. 1</i>
3	<p>EEA (<i>European Environment Agency</i>)</p>	Copenhagen/DK	Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network, <i>OJ L 120, 11.5.1990, p. 1</i>
4	<p>ETF (<i>European Training Foundation</i>)</p>	Turin/IT	Council Regulation (EEC) No 1360/90 of 7 May 1990 establishing a European Training Foundation , <i>OJ L 13, 23.5.1990, p. 1</i>
5	<p>EMCDDA (<i>European Monitoring Centre for Drugs and Drug Addiction</i>)</p>	Lisbon/PT	<p>Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction, <i>OJ L 36, 8.2.1993, p. 1</i></p> <p>Note: In July 2006, a political agreement was reached between the European Parliament and the Council on a recast of the EMCDDA regulation. This recast is expected to enter into force still in 2006 and will replace Council Regulation (EEC) No 302/93.</p>
6	<p>EMA (<i>European Agency for the Evaluation of Medicinal Products</i>)</p>	London/GB	Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products , <i>OJ L 214, 24.8.1993, p. 1</i>
7	<p>OHIM (<i>Office for Harmonisation in the Internal Market</i>)</p>	Alicante/ES	Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (See Art. 2), <i>OJ L 11, 14.1.1994, p. 1</i>
8	<p>OSHA (<i>European Agency for Safety and Health at Work</i>)</p>	Bilbao/ES	Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and

			Health at Work , <i>OJ L 216, 20.8.1994, p. 1</i>
9	CPVO (<i>Community Plant Variety Office</i>)	Angers/FR	Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (see Art. 4), <i>OJ L 227, 1.9.1994, p. 1</i>
10	CdT* (<i>Translation Centre for the bodies of the EU</i>) * Centre de traduction des organes de l'UE	Luxembourg/LU	Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union , <i>OJ L 314, 7.12.1994, p. 1</i>
11	EUMC (<i>European Monitoring Centre on Racism and Xenophobia</i>)	Vienna/AT	Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia , <i>OJ L 151, 10.6.1997, p. 1</i> . Due to be replaced by a <i>European Agency for Fundamental Rights</i> (see infra, proposed EC agencies, No 3)
12	EAR (<i>European Agency for Reconstruction</i>)	Thessalonica/GR	Council Regulation (EC) No 2454/1999 of 15 November 1999 amending Regulation (EC) No 1628/96 relating to aid for Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia, in particular by the setting up of a European Agency for Reconstruction , <i>OJ L 299, 20.11.1999, p. 1</i>
13	EFSA (<i>European Food Safety Authority</i>)	Parma/IT	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, <i>OJ L 31, 1.2.2002, p. 1</i>
14	EMSA (<i>European Maritime Safety Agency</i>)	Lisbon/PT	Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency , <i>OJ L 208, 5.8.2002, p. 1</i>
15	EASA (<i>European Aviation Safety Agency</i>)	Cologne/DE	Regulation (EC) No 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency , <i>OJ L 240, 7.9.2002, p. 1</i>
16	ENISA (<i>European Network and Information Security Agency</i>)	Heraklion/GR	Regulation (EC) No 460/2004 of the European Parliament and of the Council of 10 March 2004 establishing the European Network and Information Security Agency , <i>OJ L 77, 13.3.2004, p. 1</i>
17	ECDC (<i>European Centre for Disease Prevention and Control</i>)	Stockholm/SE	Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control , <i>OJ L 142, 30.4.2004, p. 1</i>

18	ERA (<i>European Railway Agency</i>)	Lille-Valenciennes /FR	Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (Agency Regulation), <i>OJ L 164, 30.4.2004, p. 1</i>
19	European Supervisory Authority (GALILEO) GNSS Authority	Not decided	Council Regulation (EC) No 1321/2004 of 12 July 2004 on the establishment of structures for the management of the European satellite radio-navigation programmes (see Art. 1), <i>OJ L 246, 20.7.2004, p. 1</i>
20	FRONTEX* (<i>European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU</i>) * Frontières Extérieures	Warsaw /PL	Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union , <i>OJ L 349, 25.1.2004, p. 1</i>
21	CFCA (<i>Community Fisheries Control Agency</i>)	Vigo /ES	Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy, <i>OJ L 128, 21.5.2005, p. 1</i>

	Community agencies proposed/under inter-institutional negotiation (1st pillar)	Seats	Commission proposals
1	ECA (<i>European Chemicals Agency</i>)	Helsinki /FI	COM(2003) 644, 29.10.2003: Proposal for a Regulation of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency and amending Directive 1999/45/EC and Regulation (EC) on Persistent Organic Pollutants, <i>not published in OJ</i>
2	<i>European Gender Institute</i>	Not decided	COM(2005) 81, 8.3.2004: Proposal for a Regulation of the European Parliament and of the Council establishing a European Institute for Gender Equality , <i>not published in OJ</i>
3	EFRA (<i>European Union Agency for Fundamental Rights</i>)	Vienna /AT	COM(2005) 280, 30.6.2005: Proposal for a Council Regulation establishing a European Union Agency for Fundamental Rights , <i>not published in OJ</i>

	EU agencies (2nd and 3rd pillars)	Seats	Founding acts
1	ISS (<i>European Institute for Security Studies</i>)	Paris /FR	Council Joint Action of 20 July 2001 on the establishment of a European Union Institute for Security Studies , <i>OJ L 200, 25.7.2001, p. 1</i>
2	EUSC (<i>European Union Satellite Centre</i>)	Torrejón de Ardoz /ES	Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre , <i>OJ L 200, 25.7.2001, p. 5</i>
3	EDA (<i>European Defence Agency</i>)	Brussels /BE	Council Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency , <i>OJ L 245, 17.7.2004, p. 17</i>
4	EUROPOL (<i>European Police Office</i>)	The Hague /NL	Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention), <i>OJ C 316, 27.11.1995, p. 1</i> .
5	EUROJUST (<i>The European Union's Judicial Cooperation Unit</i>)	The Hague /NL	Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, <i>OJ L 63, 6.3.2002, p. 1</i>
6	CEPOL* (<i>European Police College</i>) * Collège européen de police	Bramshill /UK	Council Decision 2005/681/JHA of 20 September 2005 establishing the European Police College (CEPOL) and repealing Decision 2000/820/JHA, <i>OJ L 256, 1.10.2005, p. 63</i>

Annex B

List of Agencies – “openness” to ENP partners

Agency	Seat	Potentially open to ENP partners	Relevant legal provisions
CEDEFOP (European Centre for the Development of Vocational Training)	Thessalonica	No	Regulation (EEC) No 2337/75 of 10 February 1975
EUROFOUND (European Foundation for the Improvement of Living and Working Conditions)	Dublin	Yes	Regulation (EEC) No 1365/75 of 26 May 1975, Article 3(2): The Foundation shall cooperate as closely as possible with specialised institutes, foundations and bodies in the Member States or at international level.
EEA (European Environment Agency)	Copenhagen	Yes	Regulation (EEC) No 1210/90 of 7 May 1990 Preamble: Whereas it is desirable to provide for the Agency to be open to other countries which share the concern of the Community and the Member States for the objectives of the Agency under agreements to be concluded between them and the Community; Article 2: For the purposes of achieving its objective, the tasks of the Agency shall be: (v) to promote the incorporation of European environmental information into international environment monitoring programmes such as those established by the United Nations and its specialised agencies; (vi) to ensure the broad dissemination of reliable environmental information. Article 19: The Agency is open to countries which are not members of the European Communities but which share the concerns of the Communities and the Member States for the objectives of the Agency under agreements concluded between them and the Community following the procedure in Article 228 of the Treaty.

			<p>Article 20: No later than two years after the entry into force of this Regulation, the Council shall decide on further tasks for the Agency in particular in the following areas: ... promoting environmentally friendly technologies and processes and their use and transfer within the Community and in third countries.</p>
ETF (European Training Foundation)	Turin	No	<p>Regulation (EEC) No 1360/90 of 7 May 1990, Article 16 - Participation of third countries:</p> <p>1. The Foundation shall be open to the participation of countries which are not members of the European Community and which share the commitment of the Community and the Member States to the provision of aid in the training field to the eligible countries defined in Article 1.</p> <p><u>Note:</u> As ENP partner countries are beneficiaries of the ETF, this provision does not apply to them.</p>
EMCDDA (European Monitoring Centre for Drugs and Drug Addiction)	Lisbon	Yes	<p>Regulation (EEC) No 302/93 of 8 February 1993, Article 13 - Non-Community countries:</p> <p>1. The Centre shall be open to the participation of those non-Community countries which share the Community's interests and those of its Member States in the Centre's objectives and work, on the basis of agreements entered into between them and the Community on the basis of Article 235 of the Treaty.</p> <p>2. The management board may take a decision on the involvement of experts proposed by non-Community countries in the ad hoc working parties provided for in Article 2(2), subject to an undertaking from the interested parties to observe the rules referred to in Article 6.</p> <p><u>Note:</u> In July 2006, a political agreement was reached between the European Parliament and the Council on a recast of the EMCDDA regulation. This recast is expected to enter</p>

			<p>into force still in 2006 and will replace Regulation (EEC) No 302/93.</p> <p>The relevant article will then read: Article 21 - Participation of third countries - The Centre shall be open to the participation of any third country that shares the interest of the Community and of its Member States in the Centre's objectives and work, on the basis of agreements entered into between such third countries and the Community on the basis of Article 300 of the Treaty.</p>
EMEA (European Agency for the Evaluation of Medicinal Products)	London	No	Regulation (EEC) No 2309/93 of 22 July 1993
OHIM (Office for Harmonisation in the Internal Market)	Alicante	No	Regulation (EC) No 40/94 of 20 December 1993 Regulation (EC) No 6/2002 of 12 December 2001
EU-OSHA (European Agency for Safety and Health at Work)	Bilbao	Yes	Regulation (EC) No 2062/94 of 18 July 1994, Article 9 - Observers: <p>The Administrative Board may, after consulting the Commission, invite representatives of non-member countries, of Community institutions and bodies and of international organisations as observers.</p>
CPVO (Community Plant Variety Office)	Angers	No	Regulation (EC) No 2100/94 of 27 July 1994
CDT (Translation Centre for the bodies of the EU)	Luxembourg	No	Regulation (EC) No 2965/94 of 28 November 1994

<p>EUMC (European Monitoring Centre on Racism and Xenophobia)</p>	<p>Vienna</p>	<p>Yes</p>	<p>Regulation (EC) No 1035/97 of 2 June 1997</p> <p>Article 4 - European Racism and Xenophobia Information Network (Raxen): 3. The Centre may also enter into contractual relations, on an ad hoc basis and for specific tasks, with bodies that are not part of Raxen.</p> <p>Article 7 - Cooperation with national and international organisations: 1. To help it carry out its tasks, the Centre shall cooperate with organisations in the Member States or international, governmental or non-governmental organisations competent in the field of racist and xenophobic phenomena.</p> <p>3. Should agreements with other international organisations or with third countries prove necessary for the Centre to carry out its tasks efficiently, the Community shall, following the same procedure as mentioned above, enter into such agreements, on behalf of the Centre.</p>
<p>EAR (European Agency for Reconstruction)</p>	<p>Thessalonica</p>	<p>No</p>	<p>Regulation (EC) No 2454/1999 of 15 November 1999</p>

<p>EFSA (European Food Safety Authority)</p>	<p>Parma</p>	<p>Yes</p>	<p>Regulation (EC) No 178/2002 of 28 January 2002</p> <p>Article 49 - Participation of third countries: The Authority shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.</p> <p>Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which these countries will participate in the Authority's work, including provisions related to participation in the networks operated by the Authority, inclusion in the list of competent organisations to which certain tasks may be entrusted by the Authority, financial contributions and staff.</p> <p>Article 50 - Rapid alert system: 6. Participation in the rapid alert system may be opened up to applicant countries, third countries or international organisations, on the basis of agreements between the Community and those countries or international organisations, in accordance with the procedures defined in those agreements. The latter shall be based on reciprocity and shall include confidentiality measures equivalent to those applicable in the Community.</p>
<p>EMSA (European Maritime Safety Agency)</p>	<p>Lisbon</p>	<p>Yes</p>	<p>Regulation (EC) No 1406/2002 of 27 June 2002, Article 17 - Participation of third countries:</p> <p>1. The Agency shall be open to the participation of third countries, which have entered into agreements with the European Community, whereby they have adopted and are applying Community law in the field of maritime safety and prevention of pollution by ships.</p> <p>2. Under the relevant provisions of these agreements, arrangements will be developed which shall, inter alia, specify the nature and the extent of the detailed rules for the participation of these countries in the work of the Agency, including provisions on financial contributions and staff.</p>

<p>EASA (European Aviation Safety Agency)</p>	<p>Cologne</p>	<p>Yes</p>	<p>Regulation (EC) No 1592/2002 of 15 July 2002, Article 18(2) - International relations:</p> <p>The Agency may cooperate with the aeronautical authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with relevant provisions of the Treaty.</p> <p>The Regulation differentiates between “participation” and “cooperation”:</p> <p>Participation in EASA: Article 55 is relevant only for Ukraine and potentially, Moldova, Georgia, Armenia, and Azerbaijan (JAA membership required)</p> <p>Cooperation with EASA: Articles 9 and 18 relevant for all ENP partners save for the Palestinian Authority which is not a Contracting Party to the Chicago Convention.</p>
<p>ENISA (European Network and Information Security Agency)</p>	<p>Heraklion</p>	<p>Yes</p>	<p>Regulation (EC) No 460/2004 of 10 March 2004, Article 24 - Participation of third countries:</p> <ol style="list-style-type: none"> 1. The Agency shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation. 2. Arrangements shall be made under the relevant provisions of those arrangements, specifying in particular the nature, extent and manner in which these countries will participate in the Agency's work, including provisions related to participation in initiatives undertaken by the Agency, financial contributions and staff.

<p>ECDC (European Centre for Disease Prevention and Control)</p>	<p>Stockholm</p>	<p>Yes</p>	<p>Regulation (EC) No 851/2004 of 21 April 2004, Article 30 - Participation of third countries:</p> <p>1. The Centre shall be open to the participation of countries, which have concluded agreements with the Community by virtue of which they have adopted and apply legislation of equivalent effect to Community legislation in the field covered by this Regulation.</p> <p>2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Centre's work, including provisions relating to participation in the networks operated by the Centre, inclusion in the list of competent organisations to which certain tasks may be entrusted by the Centre, financial contributions and staff.</p>
<p>ERA (European Railway Agency)</p>	<p>Lille-Valenciennes</p>	<p>Yes (European partners)</p>	<p>Regulation (EC) No 881/2004 of 29 April 2004, Article 36 - Participation by third countries:</p> <p>1. The Agency shall be open to participation by European countries which have concluded agreements with the Community, whereby the countries concerned have adopted and are applying Community legislation in the field covered by this Regulation.</p> <p>2. In accordance with the relevant provisions of the above-mentioned agreements, arrangements shall be made which shall specify the detailed rules for participation by these countries in the work of the Agency, in particular the nature and extent of such participation. These arrangements shall include, inter alia, provisions on financial contributions and staff. They may provide for representation, without vote, on the Administrative Board.</p>

<p>FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU)</p>	<p>Warsaw</p>	<p>Yes</p>	<p>Regulation (EC) No 2007/2004 of 26 October 2004, Article 14 - Facilitation of operational cooperation with third countries and cooperation with competent authorities of third countries:</p> <p>In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy. The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty.</p>
<p>GALILEO-European GNSS Supervisory Authority</p>	<p>to be determined</p>	<p>Yes</p>	<p>Regulation (EC) No 1321/2004 of 12 July 2004, Article 21 - Participation of third countries:</p> <ol style="list-style-type: none"> 1. The Authority shall be open to the participation of third countries, which have entered into agreements with the European Community to this effect. 2. Under the relevant provisions of these agreements, arrangements shall be developed specifying, in particular, the nature, extent and manner in which these countries will participate in the work of the Authority, including provisions relating to participation in the initiatives undertaken by the Authority, financial contributions and staff. 3. The participation of any third country in the Authority shall be submitted for approval to the Council.
<p>CFCA (Community Fisheries Control Agency)</p>	<p>Vigo</p>	<p>Yes (cooperation as described in Article 4)</p>	<p>Council Regulation (EC) No 768/2005 of 26 April 2005</p> <p>Article 4 with provisions on tasks relating to the international obligations of the Community relating to control and inspections allows the Agency, at the request of the Commission, to assist the Community and Member States in their relations with third countries and regional international fisheries organisations of which the Community is a member. The Agency may, at the request of the Commission, cooperate with the competent authorities of third countries in matters relating to control and inspection in the framework of agreements concluded between the Community and such countries.</p>

			The Agency may, with its field of competence, carry out on behalf of Member States tasks under international fisheries agreements to which the Community is party.
--	--	--	--

EU 2st and 3rd pillar agencies			
ISS (European Institute for Security Studies)	Paris	Yes	<p>Council Joint Action of 20 July 2001, Article 17 - Visiting researchers:</p> <p>Visiting researchers may for limited time periods be seconded to the Institute by Member States and Third States, after agreement by the Director, to participate in the activities of the Institute in accordance with Article 2.</p>
EUSC (European Union Satellite Centre)	Torrejón de Ardoz	Yes (limited eligibility)	<p>Council Joint Action of 20 July 2001, Article 21 - Association of third States:</p> <p>Non-EU European NATO members and other States which are candidates for accession to the EU shall be entitled to be involved in the Centre's activities in accordance with the Provisions set out in the Annex.</p>
EDA (European Defence Agency)	Brussels	Yes	<p>Council Joint Action 2004/551/CSFP of 12 July 2004, Article 23 - Participation of third parties:</p> <ol style="list-style-type: none"> 1. Third parties may contribute to a particular ad hoc project or programme, established in accordance with Articles 20 or 21, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary ad hoc arrangements between the Agency and third parties for each particular project or programme. 2. For projects established under Article 20, the contributing Member States meeting with the Steering Board shall approve any necessary modalities with the relevant third parties relating to their contribution. 3. For projects established under Article 21, the contributing Member States shall

			decide any necessary modalities with the relevant third parties relating to their contribution. 4. Where the Community contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraphs 2 and 3.
EUROPOL (European Police Office)	The Hague	Yes	Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention); Council Act of 3 November 1998 laying down rules governing Europol's external relations with third States and third bodies
EUROJUST (The European Union's Judicial Cooperation Unit)	The Hague	Yes	Council Decision of 28 February 2002 Setting up Eurojust
CEPOL (European Police College)	Bramshill	Yes	Council Decision of 22 December 2000 establishing a European Police College, and Council Decision 2005/681/JHA of 20 September 2005- Article 8 paragraph 2 & 3: CEPOL may co-operate with national training institutes of non-MS of the EU, [...] The Governing Board may authorise the Director of CEPOL to negotiate co-operation agreements with [...] the above-mentioned bodies. Such co-operation agreements may be concluded only with the authorisation of the Governing Board. And [...] those with bodies of non-MS can only be concluded after the approval of the Council has been obtained.

Community agencies proposed or under inter-institutional negotiation			
ECA (European Chemicals Agency)	Helsinki		Commission proposal COM(2003) 644
European Gender Institute	to be determined		
EFRA (European Union Agency for Fundamental Rights)	Vienna		Commission proposal COM(2005) 280

Annex C

List on the potential for ENP partners to participate in Community programmes

Policy area	Title	Provisions for opening up to ENP countries	Possibilities for participation of/cooperation with ENP partners
<i>Financial control</i>	HERCULE II	Yes	<p><i>Proposal for a Decision of the European Parliament and the Council for the amendment and extension of Decision 804/2004/EC on the Hercule programme</i></p> <p>The Hercule programme finances actions aimed at improving the protection of the Community's financial interests. It finances training, seminars, dissemination of best practices, associations involved in protection of the EC's financial interests, etc.</p> <p>The programme provides that, in order to promote activities combating fraud and any other illegal activities detrimental to the Community's interests outside the territory of the European Union, including the fight against cigarette smuggling and counterfeiting, expenditure relating to the participation of certain other third countries and the countries covered by the European Neighbourhood Policy is also considered eligible.</p>
	Pericles	Yes	<p><i>Proposal for a Council Decision amending and extending Decision 2001/923/EC establishing an exchange, assistance and training programme for the protection of</i></p>

		<p><i>the Euro against counterfeiting (the “Pericles” programme)</i></p> <p>Pericles, the Community programme for exchange, assistance and training in the protection of the Euro against counterfeiting, is designed to support and supplement the measures undertaken by the Member States and in existing programmes to protect the Euro against counterfeiting. Such measures include information exchange (seminars, workshops, meetings and conferences), placements and exchanges of staff, as well as technical, scientific and operational back-up. The proposal for extension covers the period 2007-2013.</p> <p>Projects under the programme may emanate from the Member States’ competent authorities or from the Commission. In addition, the programme foresees that it shall, if necessary, be open to non-member countries in so far as appropriations are available in the Community budget, under conditions and in accordance with arrangements to be agreed with those countries.</p>
--	--	--

<p><i>Trade-related, market and regulatory reform, innovation</i></p>	<p>Customs 2013, Fiscalis 2013</p>	<p>Yes</p>	<p><i>Commission proposals on the Community programmes Customs 2013 and Fiscalis 2013 - COM(2006) 201 and 202</i></p> <p>The objectives of these two programmes include:</p> <ul style="list-style-type: none"> • Customs 2013: to improve cooperation between the customs authorities of the Community and third countries, in particular the partner countries of the European Neighbourhood Policy • Fiscalis 2013: to improve cooperation with the tax authorities of third countries, in particular the partner countries of the European Neighbourhood Policy. <p>Respective Articles 3(3): The programme may also be open to the participation of certain partner countries of the European Neighbourhood Policy if these countries have reached a sufficient level of approximation of the relevant legislation and administrative methods to those of the Community and in accordance with provisions to be determined with those countries following the establishment of framework agreements concerning their participation in Community programmes.</p>
---	------------------------------------	------------	---

	Competitiveness and Innovation Framework Programme	Yes	<p><i>Proposal establishing a Competitiveness and Innovation Framework Programme - COM(2005) 121</i></p> <p>The Framework Programme shall have the following objectives:</p> <p>(a) to foster the competitiveness of enterprises and in particular SMEs;</p> <p>(b) to promote innovation including eco-innovation.</p> <p>The objectives of the Framework Programme shall be pursued through the implementation of the following specific programmes established in Title II, hereinafter “the specific programmes”:</p> <p>(a) the Entrepreneurship and Innovation programme;</p> <p>(b) ...</p> <p>Article 4: The Framework Programme shall be open to the participation of:</p> <p>(d) other third countries, when agreements so allow.</p>
<i>Employment</i>	Community Programme for Employment and Social Solidarity - PROGRESS	No	<p><i>Decision No .../2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity - Progress</i></p> <p>Article 16: only open to EFTA/EEA countries, candidate countries and western Balkan countries included in the stabilisation and association process</p>

<i>Consumer protection</i>	Programme of Community Action in the field of Consumer Policy	Yes	<p><i>Proposal establishing a Programme of Community Action in the field of Consumer Policy 2007-2013 - COM(2006) 235</i></p> <p>The objective of the programme is to complement and support policies of the Member States in this field.</p> <p>Article 10: The programme shall be open to the participation of third countries, in particular countries covered by the European Neighbourhood Policy, in accordance with conditions laid down in the respective bilateral or multilateral agreements establishing the general principles for their participation in Community programmes.</p>
<i>Agriculture and fisheries</i>	European Agricultural Fund for Rural Development	No	<i>Proposal on support for rural development by the European Agricultural Fund for Rural Development - COM(2005) 490</i>
	Common Agricultural Policy	No	<i>Proposal on the financing of the Common Agricultural Policy - COM(2005)489</i>
	European Fisheries Fund	No	<i>Proposal on the European Fisheries Fund - COM(2005)497</i>

	Common Fisheries Policy, Law of the Sea	No	<i>Proposal establishing Community financial measures for the implementation of the Common Fisheries Policy and in the area of the Law of the Sea</i>
<i>Justice, freedom and security</i>	Fundamental Rights and Justice	Yes (only as associate in individual projects)	<p><i>Communication and legislative proposals establishing for the period 2007-2013 a Framework Programme on Fundamental Rights and Justice - COM(2005) 122</i></p> <p>The programme comprises five specific programmes covering the following fields:</p> <ul style="list-style-type: none"> • Fight against violence (Daphne) • Drugs prevention and information • Fundamental rights and citizenship • Criminal justice • Civil justice <p>Projects may associate candidate countries not participating in this programme where this would contribute to their preparation for accession, or other third countries not participating in this programme where this serves the objectives of the projects.</p>
	Solidarity and the Management of Migration Flows	No	<i>Communication and legislative proposals establishing a Framework Programme for Solidarity and the Management of Migration Flows for the period 2007-2013 - COM(2005) 123</i>

	Security and Safeguarding Liberties	Yes (only as partner in individual projects)	<p><i>Communication and legislative proposals establishing a Framework Programme on Security and Safeguarding Liberties for the period 2007-2013 - COM(2005) 124</i></p> <p>The programme addresses two challenges:</p> <ul style="list-style-type: none"> • Prevention, preparedness and consequence management of terrorism • Prevention of and fight against crime <p>As regards trans-national projects, third countries and international organisations may participate as partners but are not permitted to submit projects.</p>
<i>Transport</i>	Marco Polo	Yes	<p><i>Proposal establishing a second “Marco Polo” programme for granting Community financial assistance to improve the environmental performance of freight transport systems (“Marco Polo II”) - COM(2004) 478</i></p> <p>The Marco Polo programme supports actions in the freight transport, logistics and other relevant markets. These actions should contribute to maintaining the distribution of freight between the various modes of transport at 1998 levels by helping to shift the expected aggregate increase in international road freight traffic to short sea shipping, rail and inland waterways or to a combination of modes of transport in which road journeys are as short as possible.</p> <p>Among the funding criteria the proposals mention “European dimension – undertakings”: An action must be submitted by at least two independent undertakings established on the territories of two different Member States, or on the territories of one Member State and a close third</p>

			country.
	TEN financing (transport)	No	<p><i>Proposal determining the general rules for the granting of Community financial aid in the field of Trans-European Transport and Energy Networks and amending Council Regulation (EC) No 2236/95 - COM(2005) 475</i></p> <p>The focus of this proposal is on funding internal EC infrastructure. It will therefore not be open to third countries. However, the High Level Group dealing with TEN issues is preparing a report on extending major Trans-European Transport Axes to the ENP partner countries and neighbouring regions.</p>
	GALILEO programme	Yes	<p><i>Proposal on the implementation of the deployment and commercial operating phases of the European Programme on Satellite Radio Navigation - COM(2005) 477</i></p> <p>The Galileo Joint Undertaking is open to the participation of ENP partners and other third countries (for instance, Matimop of Israel is a member of the Galileo Joint Undertaking).</p>
	SESAR programme and Joint Undertaking	Yes	<p><i>Proposal for a Council Regulation establishing the SESAR Joint Undertaking - COM(2005) 602</i></p> <p>SESAR aims at developing a new generation air traffic management system.</p> <p>The Joint Undertaking will have two founding members: the European Community, represented by the Commission, and Eurocontrol. Participation will also be open to any other</p>

			private or public entity, including third countries. A third country can become a member if that country has, at least, signed a horizontal agreement in the field of air transport. To date, Azerbaijan, Georgia, Lebanon, Moldova, Morocco, and Ukraine have either already signed or are in the process of signing such agreements.
<i>Energy</i>	TEN financing (energy)	No	<p><i>Proposal determining the general rules for the granting of Community financial aid in the field of Trans-European Transport and Energy Networks and amending Council Regulation (EC) No 2236/95 - COM(2005) 475</i></p> <p>Due to its focus on internal EC energy networks, no third party participation is envisaged. However, the Commission proposal includes the notion that studies may be supported on the basis of a project as a whole, including its elements outside the territory of the EC.</p>
	Intelligent Energy-Europe programme	Yes	<p><i>Proposal establishing a Competitiveness and Innovation Framework Programme - COM(2005) 121</i></p> <p>The Framework Programme shall have the following objectives:</p> <p>(d) to promote energy efficiency and new and renewable energy sources in all sectors including transport.</p> <p>The objectives of the Framework Programme shall be pursued through the implementation of the following specific programmes established in Title II, hereinafter “the specific programmes”:</p>

			<p>(c) the Intelligent Energy-Europe programme</p> <p>Article 4: The Framework Programme shall be open to the participation of:</p> <p>(d) other third countries, when agreements so allow.</p>
<i>Information society</i>	ICT Policy Support programme	Yes	<p><i>Proposal establishing a Competitiveness and Innovation Framework Programme - COM(2005) 121</i></p> <p>The Framework Programme shall have the following objectives:</p> <p>(c) to accelerate the development of a competitive, innovative and inclusive information society.</p> <p>The objectives of the Framework Programme shall be pursued through the implementation of the following specific programmes established in Title II, hereinafter “the specific programmes”:</p> <p>(b) the ICT Policy Support programme.</p> <p>Article 4: The Framework Programme shall be open to the participation of:</p> <p>(d) other third countries, when agreements so allow.</p>
	Interoperable Delivery of European eGovernment	Yes (co-operation)	<p><i>Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on interoperable delivery of</i></p>

	<p>services to Administrations, Businesses and Citizens (IDABC programme)</p>		<p><i>pan-European eGovernment services to public administrations, businesses and citizens (IDABC)</i></p> <p>The objective of the IDABC programme is to identify, support and promote the development and establishment of pan-European eGovernment services and the underlying interoperable telematic networks supporting the Member States and the Community in the implementation, within their respective areas of competence, of Community policies and activities, achieving substantial benefits for public administrations, businesses and citizens.</p> <p>Article 14(2) Cooperation with other third countries, in implementing projects of common interest and horizontal measures, shall be encouraged, notably with public administrations in Mediterranean countries, the Balkans and eastern European countries. Particular attention shall also be given to international cooperation in support of development and economic cooperation. Related costs shall not be covered by the IDABC programme.</p> <p>A bilateral agreement, such as a memorandum of understanding, would be necessary to ensure participation of ENP partner countries in the IDABC programme. Following this agreement, the ENP partners can participate in projects of common interest and make use of horizontal measures.</p>
	<p>LIFE +</p>	<p>No</p>	<p><i>Proposal concerning the Financial Instrument for the Environment (LIFE+) - COM(2004) 621</i></p> <p>The objective is to provide a more streamlined and</p>

			<p>simplified instrument for environment protection. LIFE+ aims to contribute to the development, implementation, monitoring, evaluation and communication of Community environment policy and legislation as a contribution to promoting sustainable development in the EU.</p> <p>Third country participation is possible for EFTA, candidate as well as Suth-East European pre-candidate countries, only.</p>
<i>Crisis response</i>	Rapid Response	Yes	<p><i>Proposal establishing a Rapid Response and Preparedness Instrument for major emergencies - COM(2005) 113</i></p> <p>The proposal aims to provide a new legal basis for granting Community assistance to civil protection actions in the contexts of preparedness and rapid response. It will supplement the efforts of Member States to protect people, the environment and property by contributing to the effectiveness of systems for responding to major emergencies and the public health effects arising from such emergencies.</p> <p>In principle, as regards funding, the proposed instrument applies to activities within the EU (leaving external crisis response activities of the Community Civil Protection Mechanism to be covered by the Stability Instrument).</p> <p>Article 8: States which are not Member States of the European Union may participate in this Instrument where agreements and procedures so allow.</p>
	European Union Solidarity	No	<i>Proposal establishing the European Union Solidarity Fund</i>

	Fund		<p>- COM(2005) 108</p> <p>The proposal is based on the current EU Solidarity Fund Regulation for providing post-disaster assistance in the aftermath of major crises. The proposal enlarges its scope to cover not only such events resulting from natural disasters but also to include industrial/technological disasters, public health threats and acts of terrorism.</p> <p>Article 1: The scope of participants is limited to Member States and countries negotiating their accession to the EU.</p>
<i>People-to-people issues</i>	Public Health	Yes	<p><i>Proposal establishing a Programme of Community Action in the field of Health 2007-2013 - COM(2006) 234</i></p> <p>The programme shall complement, support and add value to the policies of the Member States and shall contribute to protecting and promoting human health and safety and improving public health.</p> <p>The Commission proposes that the programme be open to third countries, in particular countries in the European neighbourhood in accordance with conditions laid down in the respective bilateral or multilateral agreements establishing the general principles for their participation in Community programmes.</p>
	Lifelong Learning	No	<p><i>Decision No .../2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning</i></p> <p>This programme aims to foster interchange, cooperation</p>

			<p>and mobility between education and training systems within the Community so that they become a world quality reference.</p> <p><i>Article 7(2): Key activity 1 of the Jean Monnet Programme referred to in Article 3(3)(a) shall also be open to higher education institutions in any other third country.</i></p> <p><i>Article 8: Under the Lifelong Learning Programme, and in accordance with Article 9, the Commission may cooperate with third countries and with the competent international organisations, in particular the Council of Europe, the Organisation for Economic Cooperation and Development (OECD) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO).</i></p> <p>Article 14(2): Up to 1% of the allocations under the Lifelong Learning Programme may be used to support the participation in partnership, project and network actions under the Lifelong Learning Programme of partners from third countries which do not participate in the Lifelong Learning Programme under the provisions of Article 7.</p>
	Culture	No (only cooperation)	<p><i>Proposal establishing the Culture 2007 programme (2007-2013) - COM(2004) 469</i></p> <p>The programme aims to enhance the cultural area common to Europeans through the development of cultural cooperation between creative artists, cultural players and cultural institutions of the countries taking part in the programme, through inter alia trans-national mobility, circulation of works and cultural and artistic products and inter-cultural</p>

			<p>dialogue.</p> <p>Article 5(2): The programme shall also be open to cooperation with other third countries which have concluded Association and Cooperation Agreements with the European Community which include cultural clauses, on the basis of supplementary appropriations and specific procedures to be laid down.</p> <p>Special actions: Support may also be given in this context to cooperation with third countries and international organisations, as set out in Articles 5(2) and 6 of the Decision.</p>
	European Audiovisual Sector (MEDIA 2007)	Yes (subject to conditions)	<p><i>Proposal concerning the implementation of a programme of support for the European audiovisual sector (MEDIA 2007) - COM(2004) 470</i></p> <p>The global objectives of the programme are to preserve and enhance European cultural diversity and its cinematographic and audiovisual heritage and promote inter-cultural dialogue, increase the circulation of European audiovisual works inside and outside the European Union and strengthen the competitiveness of the European audiovisual sector.</p> <p>Article 8(2): The programme is also open to the participation of States which are parties to the Council of Europe Convention on Trans-frontier Television ..., assuming that supplementary appropriations are received in compliance with the conditions to be agreed upon between the parties concerned.</p>

			<p>Article 8(3): Opening up of the programme to European third countries covered by paragraphs 1 and 2 may be subject to prior examination of the compatibility of their national legislation with Community legislation, including Article 6(1)(5) of Directive 89/552/EEC, as amended by Directive 97/36/EC. This provision does not apply to actions under Article 3.</p> <p>Article 8(4): The programme is also open to cooperation with other third countries which have concluded Association and Cooperation Agreements with the European Union incorporating clauses on the audiovisual sector and on the basis of supplementary appropriations and specific arrangements to be agreed upon (<i>comment: at present none of the Partnership and Cooperation Agreements between the EU and the European ENP countries</i>).</p> <p>Further comment: for southern Mediterranean ENP partners, participation in the (external) Euro-Med Audiovisual programme is better tailored to their needs.</p>
	Youth in Action	No (only cooperation)	<p><i>Decision No.../2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the “Youth in Action programme” for the period 2007-2013</i></p> <p>The general objectives of the programme are to promote young people’s active citizenship, to develop solidarity and promote tolerance among young people, to foster mutual understanding between young people in different countries, to contribute to developing the quality of support systems for youth activities and the capabilities of civil society organisations as well as to promote European cooperation in</p>

			<p>the youth field.</p> <p>Article 5(2): The actions in points 2⁹ and 3¹⁰ of the Annex shall be open to cooperation with third countries that have signed agreements with the Community relevant to the youth field, hereinafter referred to as “partner countries”.</p> <p>This cooperation shall be based, where relevant, on additional appropriations from partner countries to be made available in accordance with procedures to be agreed with these countries.¹¹</p>
	Europe for Citizens	No	<p><i>Proposal creating the Citizens for Europe Programme for the period 2007-2013 - COM(2005) 116</i></p> <p>Article 5: open only to EFTA/EEA countries; candidate countries benefiting from a pre-accession strategy, in accordance with the general principles and the general terms and conditions laid down in the framework agreements concluded with these countries for their participation in Community Programmes, and the countries of the Western Balkans, in accordance with the arrangements to be established with these countries under the framework agreements on the general principles for their participation in Community programmes.</p>

⁹ Action 2 is European Voluntary Service.

¹⁰ Point 3, entitled “Youth of the world”, covers cooperation with the neighbouring countries of the enlarged Europe (ENP countries) and other third countries.

¹¹ Comment: A special scheme has been introduced for the Mediterranean countries – the Euro-Med Youth programme: projects submitted by EU organisations are funded by the programme budget (including ENP costs), whereas projects submitted by organisations from ENP countries are funded from external support instruments.

<i>Research and development</i>	Research	-	<p><i>Communication from the Commission on Science and technology, the key to Europe's future – Guidelines for future European Union policy to support research - COM(2004)353</i></p> <p>Only Communication setting out guidelines; no legislative proposal.</p>
	Knowledge for Growth	-	<p><i>Communication on building the European Research Area (ERA) of knowledge for growth - COM(2005) 118</i></p> <p>Only Communication; no legislative proposal.</p>
	Seventh Framework Programme for Research	Yes	<p><i>Proposals concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and of the European Atomic Energy Community (Euratom) for nuclear research and training activities (2007–2011) - COM(2005) 119</i></p> <p>The Framework Programme provides for third country participation.</p>
<i>Regional policy</i>	European Regional Development Fund	Yes	<p><i>Regulation (EC) No 1080/2006 of the European Parliament and of the Council of 5 July 2006 on the European Regional Development Fund and repealing Regulation (EC) No 1783/1999</i></p> <p>Article 21(3): In the context of cross-border, trans-national and interregional cooperation, the ERDF may finance expenditure incurred in implementing operations or parts of operations on the territory of countries outside the European</p>

			Community up to a limit of 10% of the amount of its contribution to the operational programme concerned, where they are for the benefit of the regions of the Community.
--	--	--	--