



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2013

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PROPOSAL

from: European Commission
dated: 23 May 2013

No Cion doc.: COM(2013) 289 final - Annex XII

Subject: Proposal for a COUNCIL DECISION on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part
- Annex XII

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2013) 289 final - Annex XII



Brussels, 15.5.2013
COM(2013) 289 final

Annex XII

ANNEX

Protocol III: Protocol on a Framework Agreement between the European Union and Ukraine on the General Principles for the Participation of Ukraine in Union Programmes

ANNEX XII

to the

PROPOSAL FOR A COUNCIL DECISION

on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and its Member States, of the one part, and Ukraine of the other part

ANNEX

**Protocol III: Protocol on a Framework Agreement between the European Union and
Ukraine on the General Principles for the Participation of Ukraine in Union
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PROPOSAL FOR A COUNCIL DECISION

**on the signing, on behalf of the European Union, and provisional application of the
Association Agreement between the European Union and its Member States, of the one
part, and Ukraine of the other part**

**PROTOCOL III
ON A FRAMEWORK AGREEMENT
BETWEEN THE EUROPEAN UNION AND UKRAINE
ON THE GENERAL PRINCIPLES
FOR THE PARTICIPATION OF UKRAINE IN UNION PROGRAMMES**

THE PARTIES HEREBY AGREE AS FOLLOWS:

ARTICLE 1

Ukraine shall be allowed to participate in all current and future programmes of the Union opened to the participation of Ukraine in accordance with the relevant provisions adopting those programmes.

ARTICLE 2

Ukraine shall contribute financially to the general budget of the Union corresponding to the specific programmes in which Ukraine participates.

ARTICLE 3

Ukraine's representatives shall be allowed to take part, as observers and for the points which concern Ukraine, in the management committees responsible for monitoring the programmes to which Ukraine contributes financially.

ARTICLE 4

Projects and initiatives submitted by participants from Ukraine 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

The specific terms and conditions regarding the participation of Ukraine in each particular programme, in particular the financial contribution payable and reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the Commission and the competent authorities of Ukraine on the basis of the criteria established by the programmes concerned.

If Ukraine 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 of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for external assistance of the Union to Ukraine that may be adopted in the future, the conditions governing the use by Ukraine of external assistance of the Union shall be determined in a financing agreement, respecting in particular Article 20 of Regulation (EC) No 1638/2006.

ARTICLE 6

In accordance with the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, each Memorandum of Understanding concluded pursuant to Article 5 shall stipulate that financial control or audits or other verifications, including administrative investigations, will be carried out by, or under the authority of, the Commission, the European Court of Auditors and the European Anti-Fraud Office.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the Commission, the European Anti-Fraud Office and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

ARTICLE 7

This Protocol shall apply for the period for which this Agreement is in force.

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.

Termination of the Protocol following denunciation by any of the Parties shall have no influence on the checks and controls to be carried out in accordance with the provisions laid down in Articles 5 and 6 where appropriate.

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 Ukraine in Union programmes.