



Brussels, 28 April 2017
(OR. en)

7873/17
DCL 1

RECH 98
MED 23
AGRI 179
MIGR 43
RELEX 286

DECLASSIFICATION¹

of document: 7873/17 RESTREINT UE/EU RESTRICTED

dated: 30 March 2017

new status: Public

Subject: Recommendation for a COUNCIL DECISION authorising the opening of negotiations on agreements between the European Union and third countries laying down the terms and conditions for their participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), jointly undertaken by several Member States

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 28/04/2017



Council of the
European Union

Brussels, 30 March 2017
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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 30 March 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2017) 141 final

Subject: Recommendation for a COUNCIL DECISION authorising the opening of
negotiations on agreements between the European Union and third
countries laying down the terms and conditions for their participation in the
Partnership for Research and Innovation in the Mediterranean Area
(PRIMA), jointly undertaken by several Member States

Delegations will find attached document COM(2017) 141 final.

Encl.: COM(2017) 141 final



EUROPEAN
COMMISSION

Brussels, 30.3.2017
COM(2017) 141 final

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on agreements between the European Union and third countries laying down the terms and conditions for their participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), jointly undertaken by several Member States

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EXPLANATORY MEMORANDUM**1. CONTEXT OF THE PROPOSAL****• Reasons for and objectives of the proposal**

On 18 October 2016, the Commission adopted a proposal² for a Decision of the European Parliament and the Council on the participation of the Union in Partnership for Research and Innovation in the Mediterranean Area - PRIMA ("basic act") on the basis of Article 185 of the Treaty on the Functioning of the European Union (TFEU).

PRIMA is a joint programme initiative aiming at the development and the adoption of innovative and integrated solutions for improving the efficiency, safety, security and sustainability of water provision and food systems in the Mediterranean area. For achieving its purposes, fifteen countries have agreed to jointly undertake PRIMA by committing financial contributions. These countries are: the Member States Cyprus, Czech Republic, France, Greece, Italy, Luxembourg, Malta, Portugal and Spain; the third countries associated to Horizon 2020 Israel and Tunisia; the third countries not associated to Horizon 2020 Egypt, Jordan, Lebanon and Morocco.

Initiatives which are implemented according to Article 185 TFEU imply a high level of commitment of the Participating States to scientific, management and financial integration. Under the basic act establishing the Union's participation in an initiative pursuant to Article 185 TFEU, all Participating States have the same rights (e.g. participation in the governance structures, with decision making power) and obligations (e.g. financial contribution, implementation of the programme in accordance with the provisions of the basic act).

Even though Article 185 TFEU refers specifically to participation of the Union in programmes undertaken by several Member States, it does not preclude participation of third countries in the programme. PRIMA aims at implementing a programme jointly undertaken by a number of Member States and third countries.

Regarding these third countries, third countries associated to Horizon 2020 are already allowed to participate in initiatives under Article 185 TFEU, as provided for by the international agreements associating them to Horizon 2020. This is the case for Israel and Tunisia. For third countries not associated to Horizon 2020, the conclusion of international agreements with the Union allowing their participation is still required.

Therefore, in order to ensure engagement on equal footing of all Participating States in PRIMA, international agreements must be negotiated and concluded with third countries not associated to Horizon 2020 wishing to take part in the initiative, to extend to them the legal regime established by the basic act.

These bilateral agreements should be negotiated with those third countries not associated to Horizon 2020 which already committed funds for participating in PRIMA and are referred to in Article 1(2) of the Commission proposal for the basic act: Egypt, Lebanon and Morocco. In

² COM(2016) 662 final, 18.10.2016

addition to these third countries, Jordan committed funds subsequently to the adoption of the Commission proposal for the PRIMA basic act, on 7 November 2016. The funding committed amounts to 3 M EUR over a period of 10 years.

The financial contribution of third countries to PRIMA accounts for 21% of total national contributions³. The overall framework for scientific and technological cooperation between these countries and the Union is given by the Association Agreements respectively with Egypt⁴, Jordan⁵, Lebanon⁶ and Morocco⁷. In addition, Egypt⁸, Jordan⁹ and Morocco¹⁰ concluded Science and Technology agreements with the Union.

Regarding their participation in Research Framework Programmes of the Union¹¹, legal entities from Egypt, Jordan, Lebanon and Morocco are eligible to receive funding under Horizon 2020 and have also engaged in research cooperation under the Seventh Framework Programme (FP7)¹². Egypt and Morocco have also participated in joint programming activities with the Union in the area of food-related research (ARIMNet and ARIMNet2) and all four countries are currently engaged in joint programming activities with the Union in the area of food-water-energy nexus (ERANETMED).

Successful research-related partnerships with the Union also take place under other EU funded programmes, for example the Research Development and Innovation Programme in Egypt since 2011 (funded from European Neighbourhood and Partnership Instrument).

These countries also cooperate in research and innovation with Member States¹³.

In order to ensure timely and, thus, effective participation of these third countries not associated to Horizon 2020 in PRIMA, negotiations of these international agreements should start well in advance. These agreements will regulate the obligations of the third countries concerned vis-à-vis the Union, preferably by making direct reference to the terms and conditions of the basic act.

³ The Impact Assessment report for PRIMA details the financial contribution of each of these countries, SWD(2016)332 final, 18.10.2016, pages 49 – 53.

⁴ OJ L304, 30.09.2004, p. 39.

⁵ OJ L129, 15.05.2002, p. 18.

⁶ OJ L143, 30.05.2006, p. 2.

⁷ OJ L70, 18.03.2000, p. 2.

⁸ OJ L182, 13.07.2005, p. 12.

⁹ OJ L159, 17.6.2011, p. 108

¹⁰ OJ L37, 10.02.2004, p. 9

¹¹ Details on the participation of these countries in Framework Programmes, including participant costs, are provided in the Impact Assessment report for PRIMA, SWD(2016)332 final, 18.10.2016, pages 49 – 53.

¹² Decision No 1982/2006/EC of the European Parliament and of the Council concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013).

¹³ Egypt concluded bilateral agreements in science and technology with almost all Member States; Lebanon concluded such agreements with France and Italy as well as a joint Lebanese-French research grant programme; Morocco cooperates closely with France, with the majority of international co-publications occurring with French institutions, in particular the Centre Nationale de la Recherche Scientifique, while Jordan has a cooperation programme with Germany.

Therefore, no agreement will be signed/concluded before the adoption of the basic act.

The present Recommendation for a Council decision is therefore strictly linked with the outcome of the impact assessment process carried out for PRIMA, which resulted in the Commission proposal to have its implementation under Article 185 TFEU. Accordingly, the present Recommendation for a Council decision aims at authorising the opening of negotiations with third countries not associated to Horizon 2020 in view of the conclusion of international agreements, which constitute a legal requirement to allow their participation in PRIMA under Article 185 TFEU.

- **Consistency with existing policy provisions in the policy area**

As presented in the impact assessment report for PRIMA, this initiative is consistent with the policy provisions in the Research and Innovation policy, in particular Horizon 2020 Framework Programme, which promotes cooperation with third countries in science, technology and innovation.

- **Consistency with other Union policies**

The impact assessment report for PRIMA also describes that the initiative is consistent with, and relevant for, other Union policies, such as Migration policy, External development policy and Sustainability policy.

2. LEGAL BASIS

The Recommendation for a Council decision is based on Article 218 (3) and (4) of the TFEU.

In the light of the above, the Commission recommends that the Council authorises the Commission to negotiate, in accordance with Article 218 (3) and (4) of the TFEU, with third countries not associated to H2020 agreements between the European Union and these third countries laying down the terms and conditions for their participation PRIMA, jointly undertaken by several Member States.

Recommendation for a

COUNCIL DECISION

authorising the opening of negotiations on agreements between the European Union and third countries laying down the terms and conditions for their participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), jointly undertaken by several Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(3) and (4) thereof,

Having regard to the recommendation from the Commission,

Whereas:

- (1) Regulation (EU) No 1291/2013 of the European Parliament and of the Council¹⁴ established Horizon 2020 - The Framework Programme for Research and Innovation (2014-2020) ("Horizon 2020"). Horizon 2020 aims at achieving a greater impact on research and innovation by contributing to the strengthening of public-public partnerships, including through Union participation in programmes undertaken by several Member States in accordance with Article 185 of the Treaty on the Functioning of the European Union (TFEU).
- (2) On 18 October 2016, the Commission adopted a proposal for a Decision of the European Parliament and of the Council on the participation of the Union in Partnership for Research and Innovation in the Mediterranean Area - PRIMA on the basis of Article 185 TFEU ("basic act").
- (3) PRIMA aims at implementing a joint programme for the development and the adoption of innovative and integrated solutions for improving the efficiency, safety, security and sustainability of food production and water provision in the Mediterranean area.
- (4) Fifteen countries have agreed to jointly undertake PRIMA by committing financial contributions: the Member States Cyprus, Czech Republic, France, Greece, Italy, Luxembourg, Malta, Portugal and Spain; the third countries associated to Horizon 2020 Israel and Tunisia; the third countries not associated to Horizon 2020 Egypt, Jordan, Lebanon and Morocco.

¹⁴ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

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- (5) Under the basic act, all Participating States should have the same rights and obligations. The third countries not associated to Horizon 2020 can however participate in PRIMA only subject to the conclusion of international agreements with the Union setting out the terms and conditions of their participation in PRIMA.
- (6) Negotiations should be open with a view to concluding international agreements with Egypt, Jordan, Lebanon and Morocco, laying down the terms and conditions for their participation in PRIMA.
- (7) Negotiations to allow the participation of those third countries not associated to Horizon 2020 in PRIMA can be started on condition that the basic act is adopted.

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, international agreements between the European Union and the third countries Arab Republic of Egypt, Hashemite Kingdom of Jordan, Republic of Lebanon and Kingdom of Morocco, laying down the terms and conditions for their participation in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA), subject to the adoption of the basic act.

Article 2

The negotiating directives are set out in the Annex.

Article 3

The negotiation shall be conducted in consultation with [name of the special committee to be inserted by the Council].

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*

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