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European Union

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### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: Protocol to the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, on a Framework Agreement between the European Union and the Republic of Tunisia on the general principles for the participation of the Republic of Tunisia in Union programmes

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PROTOCOL  
TO THE EURO-MEDITERRANEAN AGREEMENT  
ESTABLISHING AN ASSOCIATION  
BETWEEN THE EUROPEAN COMMUNITY  
AND ITS MEMBER STATES, OF THE ONE PART,  
AND THE REPUBLIC OF TUNISIA, OF THE OTHER PART,  
ON A FRAMEWORK AGREEMENT  
BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF TUNISIA  
ON THE GENERAL PRINCIPLES FOR THE PARTICIPATION  
OF THE REPUBLIC OF TUNISIA IN UNION PROGRAMMES

P/EU/TN/en 1



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

of the one part, and

THE REPUBLIC OF TUNISIA, hereinafter referred to as 'Tunisia',

of the other part,

hereinafter jointly referred to as 'the Parties',

WHEREAS:

- (1) Tunisia has concluded a Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part<sup>1</sup> (hereinafter referred to as 'the Agreement'), which entered into force on 1 March 1998.
- (2) The Brussels European Council of 17 and 18 June 2004 welcomed the European Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council conclusions of 14 June 2004.
- (3) The Council has since adopted conclusions in favour of this policy on numerous occasions.
- (4) On 5 March 2007 the Council expressed support for the general and comprehensive approach outlined in the European Commission's communication of 4 December 2006, to enable European Neighbourhood Policy partner countries to participate in Community agencies and Community programmes on their merits and where legal bases so allow.

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<sup>1</sup> OJ L 97, 30.3.1998, p. 2.

- (5) Tunisia has expressed its wish to participate in a number of Union programmes.
- (6) The specific terms and conditions, including the financial contribution and reporting and evaluation procedures, applicable to Tunisia's participation in any particular Union programme should be determined by agreement between the European Commission, acting on behalf of the Union, and Tunisia,

HAVE AGREED AS FOLLOWS:

#### ARTICLE 1

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

#### ARTICLE 2

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

### ARTICLE 3

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

### ARTICLE 4

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

### ARTICLE 5

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

2. If Tunisia applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EU) No 232/2014 of the European Parliament and of the Council<sup>1</sup> or pursuant to any similar regulation providing for Union external assistance to Tunisia that may be adopted in the future, the conditions governing the use by Tunisia of the Union assistance shall be determined in a financing agreement.

## ARTICLE 6

1. Each agreement concluded pursuant to Article 5 shall stipulate, in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>2</sup>, that financial control or audits or other verifications, including administrative investigations, are carried out by, or under the authority of, the European Commission, the European Anti-Fraud Office and the European Court of Auditors.

2. Detailed provisions shall be made for financial controls and audits, administrative measures, penalties and recoveries that accord the European Commission, the European Anti-Fraud Office and the European Court of Auditors powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

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<sup>1</sup> Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument (OJ EU L 77, 15.3.2014, p.27).

<sup>2</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ EU L 298, 26.10.2012, p.1).

## ARTICLE 7

1. This Protocol shall apply for the period during which the Agreement is in force.
2. This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.
3. Either Party may renounce this Protocol by written notification to the other Contracting Party. This Protocol shall cease to apply six months after the date of such notification.
4. The termination of the Protocol due to the renunciation by either of the Parties shall not affect the checks and controls to be carried out, where necessary, under the Articles 5 and 6.

## ARTICLE 8

No later than three years after the date of entry into force of this Protocol and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of Tunisia in Union programmes.



## ARTICLE 9

This Protocol shall apply, on the one hand, to the territory in which the Treaty on the Functioning of the European Union is applied under the conditions laid down in that Treaties, on the one hand, and to the territory of Tunisia, on the other.

## ARTICLE 10

1. Pending its entry into force, the Parties agree to provisionally apply this Protocol from the date of its signing, subject to completion of the procedures necessary for that purpose.
2. This Protocol shall enter into force on the first day of the month following the date on which the Parties notify each other through diplomatic channels of the completion of the procedures necessary for its entry into force.

## ARTICLE 11

This Protocol shall form an integral part of the Agreement.

## ARTICLE 12

This Protocol is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Arabic languages, each of these texts being equally authentic.

Done at Brussels,

For the European Union

For the Republic of Tunisia