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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: COUNCIL DECISION on establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision (EU) No 2013/743  
- Adoption

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1. In June 2018, the European Commission presented its proposal for the Horizon Europe package, which includes the proposal for a Regulation of the European Parliament and the Council establishing Horizon Europe and the proposal for a Decision of the European Parliament and the Council on establishing the Specific Programme implementing Horizon Europe<sup>1</sup>. The proposal for the Specific Programme was based on Articles 173(3) and Article 182(4).

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<sup>1</sup> 9870/18 + ADD 1

2. The European Parliament has appointed MEP Christian EHLER (EPP) as rapporteur on the Specific Programme. The European Parliament voted on its report in the plenary on 12 December 2018. The European Economic and Social Committee adopted its opinion on 17 October 2018<sup>2</sup>, whilst the Committee of the Regions provided its opinion at its 8-10 October Plenary session<sup>3</sup>.
3. The Competitiveness Council addressed major issues relating to the proposal for the Specific Programme at its meeting on 28 September 2018 and provided political guidance on the change of the legal basis of that proposal to Article 182(4) TFEU alone<sup>4</sup>. That guidance was confirmed at the Council meetings on 30 November 2018 and 19 February 2019.
4. On 9 April 2019, the Council, the European Parliament and the Commission exchanged views on the envisaged modification of the legal basis of the Specific Programme, in accordance with the Inter-Institutional Agreement of 13 April 2016 on Better Law-Making, paragraph 25<sup>5</sup>. In this context, the three institutions adhered to Article 182(4) TFEU as the appropriate legal basis for the Specific Programme.
5. On 15 April 2019, the Council adopted a Partial General Approach on the Specific Programme<sup>6</sup>. Two days later, the Council sent a letter to the European Parliament inviting it to provide its opinion according to the special legislative procedure. On 17 April 2019, the European Parliament voted on its legislative resolution on the Specific Programme<sup>7</sup> based on its original legal bases but agreed to adapt the legal basis at a later stage of the procedure.

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<sup>2</sup> 13758/18 (opinion covers both the Framework Programme and the Specific Programme).

<sup>3</sup> 13759/18 (opinion covers both the Framework Programme and the Specific Programme).

<sup>4</sup> See Council Legal Service's opinion: 11422/18

<sup>5</sup> 8551/19

<sup>6</sup> 7911/1/19 REV 1

<sup>7</sup> P8\_TA(2019)0396

6. On 4 June 2020, the European Commission presented an amended proposal to the Specific Programme to make available funding from the European Union Recovery Instrument (Next Generation EU - NGEU) for Horizon Europe.<sup>8</sup> In light of this amended proposal, on 18 June 2020, the Council sent a second letter to the European Parliament requesting to submit its opinion based on the special legislative procedure no later than 31 October 2020.
7. On 29 September 2020, the Competitiveness Council adopted a General Approach on the Specific Programme.<sup>9</sup>
8. On 27 January 2021, the Permanent Representatives Committee endorsed a revised text of the Specific Programme with a view to launching the lawyer-linguistic revision.<sup>10</sup>
9. By letter of 25 February 2021, the Council extended the deadline for consultation of the European Parliament requesting to submit its opinion by 30 April 2021 due to the urgency linked to the adoption of the Specific Programme.
10. On 28 April 2021, the European Parliament adopted its opinion on the Specific Programme.<sup>11</sup>
11. The Permanent Representatives Committee is invited to
  - recommend that the Council adopts the Council Decision on establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision (EU) No 2013/743/EU, as set out in document 8967/20, as an 'A' item on the agenda of a forthcoming Council meeting;
  - decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/454, that the Council uses the written procedure for the adoption of the above-mentioned document if, due to the circumstances related to COVID-19, no Council meeting takes place before 10 May 2021.
12. A statement by the Commission is set out in ADD 1 to this note.

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<sup>8</sup> 8555/20  
<sup>9</sup> 11256/20  
<sup>10</sup> 5370/21  
<sup>11</sup> P9\_TA(2021)0125