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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. Cion doc.:	6634/2022
Subject:	Proposal for a COUNCIL DECISION on the signing, on behalf of the Union, and on provisional application of the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes - Presidency text

Delegations will find attached a Presidency text on the subject above.

Changes in comparison to doc. 6634/22 are marked in **bold underline** for additions and in ~~strikethrough~~ for deletions.

2022/0044 (NLE)

Proposal for a

COUNCIL DECISION

on the signing, on behalf of the Union, and on provisional application of the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186 **and Article 212** in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) **By letter of 14 May 2020, the Faroes Islands expressed their formal interest to become associated to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027) which was established by the Regulation (EU) 2021/695¹ (hereinafter referred to as the ‘Horizon Europe Programme’).**
- (1a) **On 13 July 2021, the Council authorised the opening of negotiations on behalf of the European Union for the conclusion of an Agreement between the European Union, of the one part, and the Faroe Islands, of the other part, on the general principles for the participation of the Faroe Islands in Union programmes and the association of the Faroe Islands to Horizon Europe Programme.**

¹ **Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p.1.).**

(1b) The negotiations have been completed and the Agreement was initialled on 8 October 2021.

(1c) The objective of the Agreement is to establish a lasting framework for cooperation between the Union and the Faroe Islands and to set out the terms and conditions for the participation of the Faroe Islands to the Union programmes which are opened for its participation in accordance with the basic acts establishing Union programmes. As such, the aim of the Agreement is that the Union carries out cooperation measures with the Faroe Islands pursuant to Article 212 of the Treaty on the Functioning of the European Union. Pursuant to Article 3 of the Agreement, the specific terms and conditions for participation of the Faroe Islands in any Union programmes is subject to the adoption of Protocols.

(1d) In line with the Council authorisation, the Protocol on the association of the Faroe Islands to Horizon Europe Programme was negotiated in parallel to the Agreement and forms an integral part thereof, pursuant to Article 15(9) of the Agreement.

The Union programme Horizon Europe — the Framework Programme for Research and Innovation (2021–2027) was established by the Regulation (EU) 2021/695² (hereinafter referred to as ‘the Horizon Europe Programme’).

(2) The Faroe Islands fulfill the criteria Pursuant to Article 16(1)(d) of Regulation (EU) 2021/695, the Horizon Europe **Regulation** Programme is open to the association of third countries and territories which fulfil jointly the criteria specified therein.

² Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p.1.).

- (3) **The Agreement complies with** Pursuant to Article 16(2) of **the Horizon Europe Regulation (EU) 2021/695, according to which** the association **to the Horizon Europe Programme** of such **third** countries **under Article 16(1)(d) of the same Regulation** and territories to the Horizon Europe Programme requires an agreement covering the participation of such a country or territory to any Union programme, provided that the agreement ensures a fair balance as regards the contributions and benefits of the third country participating in the Union programmes, lays down the conditions of participation in the Union programmes, including the calculation of financial contributions to individual programmes, and their administrative costs, does not confer on the third country any decision-making power in respect of the Union programme, guarantees the rights of the Union to ensure sound financial management and to protect the Union's financial interests.
- ~~(4) By letter of 14 May 2020 the Faroes Islands expressed their formal interest to become associated to the Horizon Europe Programme.~~
- ~~(5) On 13 July 2021 the Council authorised the opening of negotiations on behalf of the European Union for the conclusion of an Agreement between the European Union, of the one part, and the Faroe Islands, of the other part, on the general principles for the participation of the Faroe Islands in Union programmes and the association of the Faroe Islands to Horizon Europe — the Framework Programme for Research and Innovation (2021–2027).~~
- ~~(6) The negotiations have been successfully completed and the Agreement was initialled on 8 October 2021.~~
- ~~(7) The Agreement sets out the terms and conditions of the association of the Faroe Islands to the Union programmes. Pursuant to Article 3 of the Agreement the association to the Union programmes is subject to the adoption of Protocols.~~
- ~~(8) In line with the Council authorisation, the Protocol on the association of the Faroe Islands to Horizon Europe — the Framework Programme for Research and Innovation (2021–2027) — was negotiated in parallel to the Agreement and forms an integral part thereof.~~

- (9) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (10) In view of ensuring uninterrupted cooperation between the Union and the Faroe Islands in the field of research, technological development and innovation and allowing for the participation of the Faroes Islands in the Horizon Europe Programme from its start, the Agreement should be applied **retroactively from 1 January 2021 and** provisionally, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the Union of the Agreement between the European Union, of the one part, and the Government of the Faroe Islands, of the other part, on the participation of the Faroe Islands in Union programmes is hereby authorised subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall designate the person(s) empowered to sign the Agreement.

Article 3

Pending the completion of the procedures necessary for its entry into force, the Agreement shall be applied on a provisional basis in accordance with its Article 15(2) ~~and subject to the notifications provided for therein.~~ **The President of the Council shall, on behalf of the Union, give the notification provided for in Article 15(2) of the Agreement.**

The Agreement shall apply from 1 January 2021 in accordance with Article 15(1) of the Agreement.

Article 4

This Decision shall enter into force on [the date of its adoption].

Done at Brussels,

For the Council

The President
