**Follow-up to the European Parliament non-legislative resolution on Association agreements for the participation of third countries in Union programmes**

1. **Resolution tabled pursuant to Rule 136(5) of the European Parliament's Rules of procedure**
2. **Reference numbers:** 2023/3018 (RSP) / B9-0096/2024 / [P9 TA (2024)0077](https://www.europarl.europa.eu/doceo/document/TA-9-2024-0077_EN.html)
3. **Date of adoption of the resolution:** 8 February 2024
4. **Competent Parliamentary Committee:** Committee on Industry, Research and Energy (ITRE); Committee on Foreign Affairs (AFET)
5. **Brief analysis/ assessment of the resolution and requests made in it:**

The resolution supports the association of like-minded third countries (‘category “d” countries’) to the Horizon Europe programme that have good capacity in science, technology and innovation. To this end, following the signature of two agreements on the participation in Union programmes, notably between the European Union, and the Faroe Islands and New Zealand, respectively, they were sent to the European Parliament for consent. The Commission had already shared the proposal for Council Decisions to authorise the signature and provisional application of a similar agreement with Canada, as well as the proposal to conclude that agreement. The European Parliament will be asked for its consent immediately after the adoption by the Council and the signature. The Commission has also shared with the European Parliament, for information, the proposals for Council decisions to open negotiations with the Republic of Korea and Japan for analogous framework agreements on participation in Union programmes and the association to Horizon Europe as those decisions were adopted by the Council on 15 May 2023. The negotiations with the Republic of Korea were concluded in March 2024.

The European Parliament resolution lists several procedural and legal concerns in relation to the execution of relevant prerogatives of the European Parliament, alongside steps expected to be taken by the Commission, aimed at improving the role of the European Parliament in the conclusion of this category of association agreements for participation in Union programmes.

The resolution:

* Highlights the importance of global strategic cooperation on research and innovation, where the Horizon Europe programme is a vehicle for strengthening the EU’s competitiveness and growth while tackling global challenges;
* Points out that the association of third countries to Union programmes is a political decision concerning the associated countries’ bilateral relations with the EU, and shared key principles and values, such as scientific and academic freedom;
* Details the excellent current state of mutually beneficial bilateral relations between New Zealand and the European Union, covering areas such as trade, foreign policy, cooperation in multilateral fora, etc. in addition to research and innovation;
* Emphasises the need for institutional balance and assurance of the European Parliament’s scrutiny role as a direct representative of the Union citizens in the conclusion of all new Association Agreements;
* Notes several issues affecting the European Parliament’s prerogatives within the procedure under Article 218 of the Treaty on the Functioning of the European Union (TFEU) for the conclusion of the Union’s international agreements, such as empowering the Joint Committee established under these agreements to take decisions on future associations to specific Union programmes (‘Protocols’);
* Underlines that the European Parliament’s standpoint on inter-institutional procedural arrangements does not constitute an objection to enhanced collaboration with New Zealand, and that the European Parliament is not against broader association policy goals;
* Asks the Commission to take certain steps to actively engage the European Parliament in the process of negotiation, conclusion and implementation of agreements on the participation of third countries in Union programmes, including by requesting an interinstitutional agreement to lay down the general principles of democratic scrutiny by the European Parliament of the implementation of agreements on the participation of third countries in Union programmes.

1. **Response to requests and overview of actions taken, or intended to be taken, by the Commission:**

Paragraphs 1, 2 and 3

The Commission shares the opinion that the European Union is a global public research and scientific powerhouse. The Horizon Europe programme is the largest global collaborative research and innovation fund, and it will further support the Union’s research and innovation (R&I) leadership. Subsequently, as agreed by the EU co-legislators, a new key element was introduced in the Horizon Europe Framework Programme 2021-2027, opening a possibility for the association to any country in the world with a good R&I capacity and fulfilling a specific set of criteria related to democracy and open market economy.

Given the changing geopolitical landscape, international cooperation in research and innovation is a strategic priority, also in terms of building alliances with global partners. The Commission welcomes the European Parliament’s support to Association Agreements as a prestigious form of international collaboration in R&I. Association fosters efficiency and equal treatment as no additional administrative nor financial arrangements are needed for the participation of an Associated Country’s entities in the relevant parts of the Programme (in line with the scope of association).

The attractiveness of Horizon Europe lies in its unique size and unhindered access to world-leading researchers and innovators, opening a plethora of research and economic opportunities. The Union ensures that excellence has driven its R&I Framework Programmes including Horizon Europe, which are recognised worldwide, therefore it greatly increases the reputation and visibility of the entities, both of the Union but also of the partner countries, as well as the impact of research and innovation activities.

Paragraph 4

The Commission agrees with the European Parliament that an association provides for a strong political message, confirming the privileged relations between the Parties and reinforcing strategic alliances that complement existing political and trade bilateral agreements. Association to Horizon Europe provides for a promotion of common principles and values for the conduct of international R&I activities to create incentives and a level playing field for researchers and innovators. Finally, the Union values science as a soft tool of diplomacy and a valuable mechanism of deepening relations between the states, and societal relations between communities. As a co-legislator, the European Parliament is fully involved in conceptualising the Horizon Europe Programme, defining the association policy and its key principles and modalities. Likewise, in the negotiation and conclusion of specific framework agreements on association of third countries to Union Programmes, the European Parliament is making full use of its legislative prerogatives and thereby fully participates in the decision on whether to establish a partnership with a certain country.

Paragraphs 5 and 26

The Commission considers that the principles of sincere cooperation and institutional balance are upheld. The 2010 Framework Agreement on relations between the European Parliament and the Commission is in line with Treaties, including Article 218(10) TFEU. It provides a relevant cooperation framework to ensure that the European Parliament can exercise its prerogatives as indicated in the Treaties regarding the EU external actions and, in particular, in its Article 218 TFEU regarding the negotiations, the signature and conclusion of international agreements between the EU and third countries.

From a procedural point of view, it is important to highlight that as co-legislator the European Parliament co-designs the modalities of the association policy through the ordinary legislative procedure regarding the adoption of the Basic Acts that set out Union programmes in the context of the given Multiannual Financial Framework (MFF) cycle, including specific conditions for association of the third countries. Moreover, the European Parliament is called in accordance with Article 218 TFEU, to give its consent to the framework agreements on the general terms and conditions of a third country aspiring to participate in Union programmes, which set out the essential parameters for association to Union programmes also in the future.

Paragraphs 6, 7 and 8

The Commission takes note of the European Parliament’s position in relation to its role when concluding the Association Agreements withthe so-called category “d” countries, such as the Faroe Islands, New Zealand and Canada. The Commission underlines that the Parliament’s prerogatives should be seen in conjunction with its fundamental powers as the Union co-legislator. In accordance with the Treaties, the Parliament is invited to give a consent to the framework agreement that sets out a clear and detailed framework for association to Union programmes by a given partner country.

Paragraphs 9, 10, 11, 12 and 13

The Commission agrees on the importance of maintaining excellent relations between the EU and New Zealand. Association of New Zealand to Horizon Europe is a historic moment in building a new facet of our bilateral relations. It is the first association with a like-minded global partner that is not geographically close to Europe, which will further strengthen the cooperation in R&I and might also facilitate establishing similar stronger links with other partners of the same category. New Zealand is in practice dependent on international research collaboration with other countries in order to conduct frontier research in a number of areas. This explains New Zealand’s high level of interest in cooperation with the EU and with other major science, technology and innovation (STI) players across the globe such as the USA, Japan, or the Republic of Korea.

Paragraphs 14, 15, 16 and 17

In relation to the European Parliament’s position on its exercise of parliamentary scrutiny over international agreements to be concluded by the Union, the Commission agrees on the need to address the concerns related to the use of Joint Committees for the conclusion of future protocols.

Protocols on association to programmes other than Horizon Europe will be adopted by the Joint Committee that is set up by the framework agreement, following the procedure set out in Article 218(9) TFEU. The negotiating directives received from the Council explicitly envisaged that the framework agreement to be negotiated should establish a mechanism to facilitate future associations to Union programmes, whereby specific implementation terms and conditions of such associations would be covered by the protocols to be adopted via a Joint Committee established under the agreement. These protocols must be in full compliance with the Basic Acts establishing the related programmes, as well as with the terms and conditions set out by the framework agreement.

By laying down the practical and technical details of association to individual programmes, these protocols are of an implementing nature and should thus be adopted by decisions of the Joint Committee for efficiency reasons. This practice further allows the EU to act with sufficient expediency to allow for fast conclusion and entry into force of the specific terms of association to individual programmes, thus ensuring also seamless transition to the successor Union framework programme for Research and Innovation. Securing the continuity of international collaborations between the MFF cycles is an important aspect in this context.

Such a simplified and accelerated procedure is not new. Article 218 TFEU provides for a standard procedure under its paragraphs (2) and (6) for the negotiations, signing and conclusion of international agreements. The same article also provides for two simplified procedures for the modification of international agreements, when they provide for them to be adopted by a simplified procedure, including when such are to be decided by a joint body to be established by the agreement, that are clearly of more technical and administrative nature under Article 218(7) and (9) TFEU.

This system has functioned for many years, for example, under the European Economic Area (EEA) Agreement. It is also envisaged in the EU-UK Trade and Cooperation Agreement (TCA). The Commission considers that this approach ensures the best possible balance between legitimacy and effectiveness for the association of third countries to Union programmes.

In full respect of the principles of sincere cooperation and institutional balance, the Commission will ensure that each time there is an association agreement to be adopted under this simplified procedure, the Parliament is to be fully engaged and informed at all stages of the procedure.

Paragraph 18

The Commission confirms that ensuring the utmost transparency vis-à-vis both co-legislators in the process of negotiating and concluding association agreements is a key priority. As regards the association to Horizon Europe, the Commission has been regularly updating the Committee on Industry, Research and Energy (ITRE) and the Committee on Foreign Affairs (AFET) on the state of play in the negotiations, including the explanation of all open issues. The Commission will maintain this active engagement by sharing with the European Parliament the Commission Recommendations to launch negotiations, EU proposals for draft Horizon Europe association agreements before tabling them in negotiations with the partner countries, and the consolidated texts of the agreements before there is a decision to sign them. As regards association of third countries to other EU programmes, the Commission will act with the same diligence towards the relevant Committees of the European Parliament.

Paragraph 22

The Commission wishes to underline that in negotiations of the international agreements, it acts fully in line with the negotiating directives, which the Council issues under Article 218 (4) TFEU for the negotiations in question. For negotiations with the countries that are considered newcomers within the so-called category “d”, the same model of association was offered in the first place in order to ensure equal treatment to the Union global partners, and in full respect of the Horizon Europe Regulation requirements for the association of this category of countries.

Currently, there are 18 Associated Countries to Horizon Europe, with Canada to become the 19th in the course of 2024. Negotiations with the Republic of Korea have recently been concluded and the Commission has started exploratory talks with Switzerland. Substantial progress has been made with Japan at technical level to reach a mutual understanding on key aspects of the future association agreement. However, Japan is not yet in a position to advance with formal negotiations.

If the European Parliament were to refuse its consent to these agreements, the agreements with this category of countries would not be concluded, and bilateral cooperation in R&I would immediately be downgraded back to the non-privileged status of a third country. Such developments would send a strong negative political message to our allies and put into question the credibility of the Union’s declared goals to strengthen relations vis-à-vis those partners.

Paragraph 23

The automatic correction mechanism is fully in line with the Trade and Cooperation Agreement logic, whose provisions continue to apply as initially concluded. This additional mechanism was designed and agreed to cope with a very specific situation, i.e., the unintended effects of late association which were not foreseen and could not have been expected when the TCA was concluded. It is specific only to the remainder of the present MFF and has no effect on the next MFF or other Union programmes that the United Kingdom may associate to in the future. Its ad hoc nature and the clearly defined conditions for its application prevent any precedent and bring no harm to the application of the TCA, including all the safeguards to EU financial interest.

Paragraphs 24 and 25

The Commission wishes to emphasise its thorough commitment to ensuring that the European Parliament can fully exercise its powers under the Treaties with regard to association of third countries to Union programmes. If the Parliament considers that further specific information should be provided during the negotiation and implementation phase of such association agreements, in addition to the information already shared, the Commission is prepared to follow-up accordingly.

When envisaging the future Protocols, the Commission will continue respecting full transparency vis-à-vis the European Parliament. It will be done in line with the requirements set in the Treaties and in particular Article 218 TFEU and the 2010 Framework Agreement on relations between the European Parliament and the Commission, which provides for the necessary guarantees to ensure that the Parliament is fully engaged and informed in due time.