



TEXTS ADOPTED

P9_TA(2024)0077

Association agreements for the participation of third countries in Union programmes

European Parliament resolution of 8 February 2024 on association agreements for the participation of third countries in Union programmes (2023/3018(RSP))

The European Parliament,

- having regard to the Treaty on the Functioning of the European Union (TFEU) and particularly Article 218 thereof,
- having regard to 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 1291/2013¹ (the Horizon Europe Regulation), and to the statement on association agreements made in Parliament's position at first reading of 17 April 2019 on that Regulation²,
- having regard to the Partnership Agreement on Relations and Cooperation between the European Union and its Member States, of the one part, and New Zealand, of the other part³,
- having regard to the draft agreement between the European Union, of the one part, and New Zealand, of the other part, on the participation of New Zealand in Union programmes⁴,

¹ OJ L 170, 12.5.2021, p. 1.

² European Parliament position at first reading of 17 April 2019 on the proposal for a regulation of the European Parliament and of the Council establishing Horizon Europe — the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination (OJ C 158, 30.4.2021, p. 184).

³ OJ L 321, 29.11.2016, p. 3.

⁴ OJ L 182, 19.7.2023, p. 4.

- having regard to the draft 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 programmes¹,
- having regard to Council Decision (EU) 2022/1526 of 9 September 2022 authorising the opening of negotiations with Canada for an Agreement on the general principles for the participation of Canada in Union programmes and on the association of Canada to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027)²,
- having regard to Council Decision (EU) 2023/1081 of 15 May 2023 authorising the opening of negotiations with Japan for an Agreement on the general principles for the participation of Japan in Union programmes and on the association of Japan to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027)³,
- having regard to Council Decision (EU) 2023/1093 of 15 May 2023 authorising the opening of negotiations with the Republic of Korea for an Agreement on the general principles for the participation of the Republic of Korea in Union programmes and on the association of the Republic of Korea to Horizon Europe – the Framework Programme for Research and Innovation (2021-2027)⁴,
- having regard to the Framework Agreement on relations between the European Parliament and the European Commission of 20 November 2010⁵,
- having regard to the question to the Commission on association agreements for the participation of third countries in Union programmes (O-000004/2024 – B9-0009/2024),
- having regard to Rules 136(5) and 132(2) of its Rules of Procedure,
- having regard to the motion for a resolution of the Committee on Foreign Affairs and the Committee on Industry, Research and Energy,

General considerations

1. Acknowledges the potential to enrich the achievements of Union programmes through active and mutually beneficial cooperation with third countries that share common democratic values with the EU;

¹ OJ L 154, 7.6.2022, p. 4.

² OJ L 237, 14.9.2022, p. 17.

³ OJ L 144, 5.6.2023, p. 58.

⁴ OJ L 146, 6.6.2023, p. 18.

⁵ OJ L 304, 20.11.2010, p. 47.

2. Recognises Horizon Europe as the world's biggest collaborative research and innovation programme for the period 2021-2027;
3. Supports the association to Horizon Europe of third countries that have good capacity in science, technology and innovation and recognises that such collaboration contributes to the overall strength and effectiveness of the EU's external action; encourages the Commission to seek and conclude other association agreements with third countries, as this increases the competitiveness of the EU on the global stage; stresses the need to ensure that all relevant association agreements uphold the Horizon Europe climate targets;
4. Underlines that the association of third countries to EU programmes is not a mere technical act, but rather a political decision concerning the associated countries' relations with the EU and, specifically for Horizon Europe, the issue of scientific and academic freedom;
5. Acknowledges the rules set out in the Treaties, which must be upheld in compliance with the rule of law in order to preserve the institutional balance, and the role given to Parliament; believes that the principle of sincere cooperation must be respected, guaranteeing that all EU institutions assist each other in carrying out tasks deriving from the Treaties, including in order to ensure that greater consideration is given to the point of view of Parliament, as the direct representative of the EU's citizens;
6. Questions the Commission's approach as regards the conclusion of international agreements dedicated to the participation of third countries in Union programmes, which hinders Parliament's exercise of its prerogatives within the procedures for the conclusion of the Union's international agreements;
7. Urges the Commission and the Council to give full consideration to the role of Parliament when concluding any association agreements that follow this new structure, in accordance with the Treaties;
8. Emphasises that its ability to give meaningful consent to international agreements specifically concerning the participation of particular countries in Union programmes is impeded by the fact that such agreements do not provide for a structure that guarantees parliamentary scrutiny under a consent procedure for association to a specific Union programme;

Cooperation and association agreements between New Zealand and the European Union

9. Recognises the strong historical and cultural ties between the EU and New Zealand as well as the excellent state of bilateral relations between them, which are based on shared democratic values and many common interests; appreciates the excellent cooperation on

trade, foreign policy, research and innovation and in multilateral forums;

10. Highlights the important role of New Zealand as one of the EU's key like-minded partners in the dynamic and strategically and economically important Indo-Pacific region; calls for deeper cooperation in areas of mutual interest, particularly in foreign affairs; underlines, in that regard, the ongoing security cooperation between the EU and New Zealand, particularly as regards operations and missions under the EU's common security and defence policy; recalls that New Zealand adopted a position identical to that of the EU in condemning Russia's illegal invasion of Ukraine and supporting Ukraine by providing assistance and introducing sanctions against Russia;
11. Underlines, furthermore, the recently concluded free trade agreement between the EU and New Zealand, the intended purpose of which is to strengthen bilateral relations even further and to liberalise and facilitate trade and investment, creating significant mutual benefits and economic opportunities for businesses and consumers and including strong and binding social and environmental commitments relating to the Paris Climate Agreement; highlights the positive role that the European diaspora in New Zealand can play in further deepening relations between New Zealand and the EU;
12. Recognises that the EU and New Zealand have a long history of research cooperation; emphasises that New Zealand has an excellent record of participation in Horizon 2020, with 77 projects funded, and that New Zealand researchers have been able to participate in the two previous framework programmes for research and innovation, FP7 and Horizon 2020, showcasing the potential benefits of New Zealand's association to Horizon Europe;
13. Welcomes the proposal to enhance the EU's partnership with New Zealand through New Zealand's association to the Horizon Europe programme, which will further strengthen cooperation in research and innovation and make New Zealand the EU's most important regional partner in science and innovation; notes, however, the lack of provisions allowing proper parliamentary scrutiny of the future association of New Zealand to Union programmes;
14. Points out that in the agreement on the participation of New Zealand in Union programmes, the Commission and the Council give the Joint Committee established under that agreement the power to adopt protocols associating New Zealand to any Union programme, despite Parliament objecting to this prerogative, which de facto grants the Joint Committee implementing power on essential aspects; notes that the essential decisions being delegated to the Joint Committee include the scope of the association to individual programmes as well

as essential provisions regarding the automatic correction mechanism;

15. Regrets that the Joint Committee is empowered to amend any prevailing association protocol, which may also include provisions related to reviews, audits and financial irregularities, through protocols; recognises that such amendments would occur without additional parliamentary involvement; recognises that by granting consent, Parliament would effectively give the Joint Committee an unrestricted mandate; points out that the Council is tasked with monitoring the Commission's actions in the Joint Committee, but actually often neglects this duty and does not report adequately to Parliament, leading to a complete lack of oversight and scrutiny in such international agreements;
16. Emphasises its stance on association agreements related to Horizon Europe, as adopted in a statement accompanying the adoption of the Horizon Europe Regulation, stressing that any body established through such agreements should not bypass the need to seek Parliament's meaningful consent; believes that essential aspects of a third country's involvement in Horizon Europe should not be delegated to such a body;
17. Disagrees with this new structure for international agreements, which does not allow Parliament to exercise its powers in line with Article 218(6)(a) TFEU; believes that this is an impediment to the fulfilment of Parliament's prerogatives, neglects the required institutional balance and therefore needs to be modified;
18. Recalls, in that regard, that Article 218(10) TFEU provides that Parliament should be immediately and fully informed at all stages of the procedure for negotiating and concluding the international agreements referred to in that article and that, as the Court of Justice of the European Union (CJEU) has held, that rule is an expression of the democratic principles on which the EU is founded; stresses, in particular, the fact that the CJEU has previously stated that Parliament's involvement in the decision-making process is the reflection, at EU level, of the fundamental democratic principle that the people should participate in the exercise of power through the intermediary of a representative assembly¹;
19. Recalls, in this context, that the agreements in question are without precedent as they allow for the participation of a new type of third country and, for the first time, do this through a general agreement covering all Union programmes; emphasises that in the past, such participation would be arranged through an individual agreement for

¹ Judgments of the Court of Justice of 29 October 1980, *Roquette Frères v Council*, Case C-138/79, ECLI:EU:C:1980:249, paragraph 33, and of 24 June 2014, *Parliament v Council*, Case C-658/11, ECLI:EU:C:2014:2025, paragraph 81.

each Union programme and limited to a specific multiannual financial framework; emphasises that given the novel nature of these agreements, Parliament lacks relevant data or information that could be used to meaningfully assess their potential impact on the current generation of Union programmes or on future generations of Union programmes;

20. Considers, against this background, that Parliament should be able to meaningfully ensure the participation of the people in the decision-making process, given the structure of these international agreements, where the decision on association, including the scope of that association, to a given programme by a third country is only made in the future, often long after Parliament has consented to the conclusion of the initial agreement with that third country;
21. Recalls that its stance on the Commission's approach should not be construed as an objection to New Zealand or to the well-established and strong cooperation that has always existed between this country and the EU;

Participation of other like-minded countries in Union programmes

22. Regrets that the draft agreement on the participation of the Faroe Islands and the proposed associations of Canada, the Republic of Korea and Japan follow the same structure as the draft agreement with New Zealand; requests that the Commission refrain from preventing the exercise of Parliament's right of consent to any association to a Union programme and that association agreements with new partners only be entered into when Parliament has been able to exercise its right of meaningful consent;
23. Expresses concern about the fact that the recently agreed automatic rebate on the UK's contribution to Horizon Europe in the event of 'lower than expected' UK participation in the programme has resulted in inconsistencies with the provisions of the EU-UK Trade and Cooperation Agreement to which Parliament gave its consent;

A way forward

24. Recalls that it should be immediately and fully informed at all stages of the negotiation and conclusion of international agreements, in line with the Framework Agreement on relations between the European Parliament and the European Commission;
25. Calls on the Commission to provide it with regular, detailed reports on the implementation of the agreements, such as updates on such aspects as milestones achieved, challenges faced, success rates of proposals by entities from third countries, annual contributions of third countries, budget execution and audit results;

26. Urges the Commission to launch negotiations on an interinstitutional agreement that would lay down the general principles of democratic scrutiny by Parliament of the implementation of agreements on the participation of third countries in Union programmes;
27. Expresses hope that the Commission will clarify the situation, giving a pertinent and satisfactory reply to Parliament's question for oral answer, in order for consent to be given; is willing to cooperate fully with the Commission and the Council to achieve this outcome;

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28. Instructs its President to forward this resolution to the Council and the Commission.