



**Mariya GABRIEL**

*Commissioner for Innovation, Research,  
Culture, Education and Youth*

*Brussels, 22 February 2022  
vdl-ca-12.cab (2022) 491546*

*Dear Chair,*

*Thank you for your letter concerning the role of the European Parliament in the association process to the Horizon Europe Programme and in particular, the agreements with countries falling under category (d) of Article 16(1) of the Horizon Europe Regulation.*

*The EU Treaties are very clear about the role of the European Parliament in international negotiations. The Commission therefore keeps the Parliament informed at all stages of the negotiations and ensures that all essential political, strategic and budgetary elements of association agreements with category (d) countries are presented to the Parliament for its consent before concluding the Agreements.*

*As things currently stand, the concerned agreements are those with the United Kingdom (EU-UK Trade and Cooperation Agreement) and with the Faroe Islands. The Commission's proposal to conclude the Agreement with the Faroe Islands will reach you very soon and, thus, it is an opportune moment to address the issue you raise.*

*First of all, allow me to reassure you that I and my services will continue to act in the spirit of mutual sincere cooperation underpinning our inter-institutional relations and in line with the 2010 Framework Agreement. Parliament can interact with us in a consistent manner at all stages of the negotiations.*

*MEP Cristian-Silviu BUȘOI  
Chair of the ITRE Committee  
European Parliament  
Bât. ALTIERO SPINELLI, 11E102  
60, rue Wiertz / Wiertzstraat 60  
B-1047 Bruxelles/Brussel*



*The Commission shares with the ITRE Committee every document relating to association process in parallel to submitting them to the Council. It concerns Commission recommendations to open new negotiations with category (d) countries, proposed texts of the draft agreements, and Commission proposals for the Council decisions to sign and conclude agreements.*

*I also write to the Committee on a monthly basis updating on all the ongoing association negotiations and present the state of play at our monthly stocktaking meetings. And I know that my services have also been engaging with your staff to provide technical explanations.*

*I have however asked my services to explore with the ITRE Secretariat the possibilities to further streamline the flow of information to the European Parliament, for example, through a standing item on the agenda of the forthcoming ITRE working group meetings.*

*I suggest that we should keep our engagements open and regular at all levels in order to benefit from a timely and substantive exchange. Please find attached a brief summary of the current procedural practices, which I hope will be useful as we continue this exchange.*

*Reiterating my deep appreciation of the European Parliament's continuous support and proactive engagements in many research and innovation files.*

*Yours sincerely,*

A handwritten signature in blue ink, appearing to read 'Mariya Gabriel', with a horizontal line underneath.

*Mariya Gabriel*

## **Procedures related to association negotiations for Horizon Europe regarding the countries under Art 16(1)(d) of the Horizon Europe Regulation**

Under the Horizon Europe Regulation, the first case of association negotiations with category ‘d’ countries is the Faroe Islands. Therefore, it is a relevant example in terms of the applied process and the role of the Parliament in line with Article 218 of Treaty on the Functioning of the EU (TFEU).

In July 2021, on the basis of the Commission recommendation to open negotiations with the Faroe Islands, the Council adopted an authorisation to the Commission to negotiate an agreement on the general principles for the participation of the Faroe Islands in Union Programmes and on the association of the Faroe Islands to Horizon Europe. The Commission informed the European Parliament of this recommendation immediately as it was submitted to the Council. Similarly, over the summer, the Commission shared simultaneously with both co-legislators the proposed draft agreement prior to tabling it in the negotiations with the Faroese. The two committees of the Council assigned to follow these negotiations (Research Working Party and EFTA Working Group) discussed the proposal. The Commission led the negotiations for the EU and they were closed in October 2021. The European Parliament was regularly updated on this as well as all the other ongoing association negotiations through monthly letters to the ITRE Committee and all the stocktaking meetings with Commissioner Gabriel as well as senior officials of DG Research and Innovation. As a next step, the Commission will now adopt a proposal for each of the two Council Decisions: on the signature (and provisional application) and on the conclusion of this Agreement and its Protocol on association to Horizon Europe (foreseen for 24 February). These proposals should reach the Parliament and the Council as soon as adopted by the Commission. The consent of the European Parliament will be sought with a view to concluding the Agreement. The Agreement is designed to stay in place for the current and future MFFs as it is not time-limited.

This Agreement provides that, in the future, were the Joint EU-Faroese Committee under the Agreement to adopt a decision to amend the Protocol or adopt new Protocols on association to other Union programmes, the Commission will submit to the Council a proposal for a decision establishing the EU position (under Article 218(9) TFEU) At the same time and to ensure transparency, the Commission will also transmit the proposal for a draft decision to the European Parliament.

The Protocols (as seen in the Horizon Europe Protocol) would deal with technical modalities such as the schedule for payments or details of the functioning of the automatic correction system. These decisions being of technical and implementation nature could not amend or derogate from the main Agreement or the basic acts concerned. The mechanism for Joint Committee decisions and the number of situations when the Joint Committee can adopt decisions are exhaustively regulated in the main Agreement, for which the Parliament’s consent is required.

At the same time, all matters of political, strategic and budgetary importance (thus all essential elements of the association) are comprehensively regulated in the main body of the Agreement, including the method for calculating the financial contribution of the Faroese to different EU programmes and the terms and conditions of association to EU programmes. Changes to these essential elements can be modified only following the same procedures as used for the adoption of

the original Agreement. That means the European Parliament would be informed at all stages of the process and would be asked for its consent in order to validate such amendments.

Moreover, the conditions for association to Horizon Europe or potentially other Union programmes in this Agreement shall be in full compliance with the rules established in the respective basic acts. Thus the Parliament, as a co-legislator, retains full control, including with regard to the eligibility conditions and geographic scope of the countries to which any of the Union programmes are open and the extent of such openness, as these aspects are predetermined at the level of the basic acts. This is the case for the current and will remain so for the future programmes to which the Faroese or any other third country may become associated.

Therefore, the choice of the Programmes to be covered in the future by the Protocols and the scope of association to each of them (full or partial depending on EU's interest) will have been subject to strategic considerations among the institutions already at the stage of the legislative procedure leading to the adoption of the relevant basic acts.

If the two sides intend to amend the Protocol or adopt a new Protocol, the Commission will explain the need and the policy/political reasons therefore in the respective explanatory memorandum to the related Council decision on the position to be taken on Union's behalf at the Joint Committee.

For Horizon Europe specifically, in the case of the Faroe Islands, the overarching Agreement and the Protocol on association to Horizon Europe were negotiated in parallel under the same authorisation from the Council, and the consent of the Parliament will now be needed for the conclusion of them as an integral document. Likely, the same model will be followed with other category 'd' countries.

Lastly, this proposed model for the Faroe Islands is not new. The same legal mechanism, allowing to establish an association to Union Programmes via the adoption of Joint Committee Decisions, has existed for a long period in the Agreement on the European Economic Area for the association of the EEA/EFTA states to various Union Programmes. This is the model, which regulates comprehensively political and strategic elements of association in the main agreement and leaves purely technical matters for its Protocol 31. Similarly, the Trade and Cooperation Agreement with the UK includes the same model concerning associations to Union Programmes.

We chose to offer the same model in the Agreement with the Faroe Islands in order to ensure its smooth and timely association and re-association, as applicable, with the relevant Union Programmes. It is clearly beneficial for the EU to retain strong relations with this successful research partner that has been associated to previous Framework Programmes for Research and Innovation since 2010.

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