

No. 35324. European Communities and their Member States and Republic of Moldova

PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF MOLDOVA, OF THE OTHER PART. BRUSSELS, 28 NOVEMBER 1994 [*United Nations, Treaty Series*, vol. 2042, I-35324.]

PROTOCOL TO THE PARTNERSHIP AND COOPERATION AGREEMENT BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER STATES, OF THE ONE PART, AND THE REPUBLIC OF MOLDOVA, OF THE OTHER PART, ON A FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF MOLDOVA ON THE GENERAL PRINCIPLES FOR THE PARTICIPATION OF THE REPUBLIC OF MOLDOVA IN UNION PROGRAMMES. CHISINAU, 30 SEPTEMBER 2010

Entry into force: provisionally on 30 September 2010 by signature and definitively on 1 May 2011, in accordance with article 10

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N° 35324. Communautés européennes et leurs États membres et République de Moldova

ACCORD DE PARTENARIAT ET DE COOPÉRATION ENTRE LES COMMUNAUTÉS EUROPÉENNES ET LEURS ÉTATS MEMBRES, D'UNE PART, ET LA RÉPUBLIQUE DE MOLDOVA, D'AUTRE PART. BRUXELLES, 28 NOVEMBRE 1994 [*Nations Unies, Recueil des Traités*, vol. 2042, I-35324.]

PROTOCOLE À L'ACCORD DE PARTENARIAT ET DE COOPÉRATION ENTRE LES COMMUNAUTÉS EUROPÉENNES ET LEURS ÉTATS MEMBRES, D'UNE PART, ET LA RÉPUBLIQUE DE MOLDAVIE, D'AUTRE PART, CONCERNANT UN ACCORD-CADRE ENTRE L'UNION EUROPÉENNE ET LA RÉPUBLIQUE DE MOLDAVIE RELATIF AUX PRINCIPES GÉNÉRAUX DE LA PARTICIPATION DE LA RÉPUBLIQUE DE MOLDAVIE AUX PROGRAMMES DE L'UNION. CHISINAU, 30 SEPTEMBRE 2010

Entrée en vigueur : provisoirement le 30 septembre 2010 par signature et définitivement le 1^{er} mai 2011, conformément à l'article 10

Textes authentiques : bulgare, tchèque, danois, néerlandais, anglais, estonien, finnois, français, allemand, grec, hongrois, irlandais, italien, letton, lituanien, maltais, moldave, polonais, portugais, roumain, slovaque, slovène, espagnol et suédois

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PROTOCOL
TO THE PARTNERSHIP AND COOPERATION AGREEMENT
BETWEEN THE EUROPEAN COMMUNITIES
AND THEIR MEMBER STATES, OF THE ONE PART,
AND THE REPUBLIC OF MOLDOVA, OF THE OTHER PART,
ON A FRAMEWORK AGREEMENT BETWEEN THE EUROPEAN UNION
AND THE REPUBLIC OF MOLDOVA ON THE GENERAL PRINCIPLES
FOR THE PARTICIPATION OF THE REPUBLIC OF MOLDOVA
IN UNION PROGRAMMES

THE EUROPEAN UNION, hereinafter referred to as "the Union",

of the one part,

and

THE REPUBLIC OF MOLDOVA, hereinafter referred to as "Moldova",

of the other part,

hereinafter jointly referred to as "the Parties",

Whereas:

- (1) Moldova entered into a Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part (hereinafter referred to as "the Agreement"), on 28 November 1994.
- (2) The Brussels European Council of 17 and 18 June 2004 welcomed the Commission's proposals for a European Neighbourhood Policy (ENP) and endorsed the Council's conclusions of 14 June 2004.
- (3) The Council has, on numerous further occasions, repeatedly concluded in favour of this policy.
- (4) The Council, on 5 March 2007, expressed support for the general and global approach outlined in the Commission's Communication of 4 December 2006, COM (2006) 724 final, to enable ENP partners to participate in Community agencies and Community programmes on their merits and where the legal bases so allow.
- (5) Moldova has expressed its wish to participate in a number of Union programmes.

- (6) The specific terms and conditions, in particular financial contribution and reporting and evaluation procedures, regarding the participation of Moldova in each particular programme should be determined by agreement between the Commission, acting on behalf of the Union, and the competent authorities of Moldova,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Moldova shall be allowed to participate in all current and future programmes of the Union opened to the participation of Moldova in accordance with the relevant provisions adopting those programmes.

ARTICLE 2

Moldova shall contribute financially to the general budget of the European Union corresponding to the specific programmes in which Moldova participates.

ARTICLE 3

Moldova's representatives shall be allowed to take part, as observers and for the points which concern Moldova, in the management committees responsible for monitoring the programmes to which Moldova contributes financially.

ARTICLE 4

Projects and initiatives submitted by participants from Moldova shall, as far as possible, be subject to the same conditions, rules and procedures pertaining to the programmes concerned as applied to Member States.

ARTICLE 5

The specific terms and conditions regarding the participation of Moldova in each particular programme, in particular the financial contribution payable, as well as reporting and evaluation

procedures, shall be determined by agreement in the form of a Memorandum of Understanding between the Commission, acting on behalf of the Union, and the competent authorities of Moldova.

If Moldova applies for external assistance of the Union to participate in a given Union programme on the basis of Article 3 of Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument or pursuant to any similar Regulation providing for external assistance of the Union to Moldova that may be adopted in the future, the conditions governing the use by Moldova of external assistance of the Union shall be determined in a financing agreement, in compliance with, in particular, Article 20 of Regulation (EC) No 1638/2006.

ARTICLE 6

Each Memorandum of Understanding concluded pursuant to Article 5, shall stipulate, in accordance with the Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, that financial control or audits or other verifications, including administrative investigations will be carried out by, or under the authority of, the Commission, the European Anti-Fraud Office and the Court of Auditors.

Detailed provisions shall be made on financial control and auditing, administrative measures, penalties and recovery enabling the Commission, the European Anti-Fraud Office, and the Court of Auditors to be granted powers equivalent to their powers with regard to beneficiaries or contractors established in the Union.

ARTICLE 7

This Protocol shall apply for the period for which the Agreement is in force.

This Protocol shall be signed and approved by the Parties in accordance with their respective procedures.

Either Party may denounce this Protocol by written notification to the other Party. This Protocol shall terminate six months after the date of such notification.