

General approach to enable ENP partner countries to participate in Community agencies and Community programmes.

List B: Agencies – potential “openness” to participation of / cooperation with ENP partners

Agency	Seat	Potentially open to ENP partners	Relevant legal provisions
CEDEFOP (European Centre for the Development of Vocational Training)	Thessalonica	No	<p>Regulation (EEC) No 337/75 of 10 February 1975, as amended Council Regulation (EC) No 2051/2004 of 25 October 2004</p> <p>Article 3 (2):</p> <p>In carrying out its tasks, the Centre shall establish appropriate contacts, particularly with specialised bodies, whether public or private, national or international, with public authorities and educational institutions and with workers' and employers' organisations. In particular, the Centre shall ensure appropriate cooperation with the European Training Foundation, without prejudice to its own aims.</p>
EUROFOUND (European Foundation for the Improvement of Living and Working Conditions)	Dublin	Yes	<p>Regulation (EEC) No 1365/75 of 26 May 1975</p> <p>Article 3(2):</p> <p>The Foundation shall cooperate as closely as possible with specialised institutes, foundations and bodies in the Member States or at international level.</p>
EEA (European Environment Agency)	Copenhagen	Yes	<p>Regulation (EEC) No 1210/90 of 7 May 1990</p> <p>Article 19:</p> <p>The Agency is open to countries which are not members of the European Communities but which share the concerns of the Communities and the Member States for the objectives of the Agency under agreements concluded</p>

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			between them and the Community following the procedure in Article 228 of the Treaty.
ETF (European Training Foundation)	Turin	No	<p>Regulation (EEC) No 1360/90 of 7 May 1990</p> <p>Article 16 - Participation of third countries:</p> <p>1. The Foundation shall be open to the participation of countries which are not members of the European Community and which share the commitment of the Community and the Member States to the provision of aid in the training field to the eligible countries defined in Article 1.</p> <p>Note: As ENP partner countries are beneficiaries of the ETF, this provision does not apply to them.</p>
EMCDDA (European Monitoring Centre for Drugs and Drug Addiction)	Lisbon	Yes	<p>Regulation (EEC) No 1920/2006 of 12 December 2006</p> <p>Article 20 - Cooperation with other organisations and bodies:</p> <p>Without prejudice to relations which the Commission may maintain pursuant to Article 302 of the Treaty, the Centre shall actively seek to cooperate with international organisations and other, particularly European, governmental and non-governmental bodies competent in the sector of drugs.</p> <p>Such cooperation shall be based on working arrangements concluded with the organisations and bodies referred to in the first paragraph. Those arrangements shall be adopted by the Management Board on the basis of a draft submitted by the Director and after the Commission has delivered an opinion. Where the Commission expresses its disagreement with these arrangements, the Management Board shall adopt them by a three-fourths majority of the members with a right to vote.</p> <p>Article 21 - Participation of third countries:</p> <p>The Centre shall be open to the participation of any third country that shares the interest of the Community and of its Member States in the Centre's objectives and work, on the basis of agreements entered into between such third</p>

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			countries and the Community on the basis of Article 300 of the Treaty. <u>Note:</u> The above “recast” Regulation replaces Regulation (EEC) No 302/93.
EMA (European Medicines Agency)	London	No	Regulation (EEC) No 726/2004 of 31 March 2005
OHIM (Office for Harmonisation in the Internal Market)	Alicante	No	Regulation (EC) No 40/94 of 20 December 1993
EU-OSHA (European Agency for Safety and Health at Work)	Bilbao	Yes	Regulation (EC) No 2062/94 of 18 July 1994 Article 9 - Observers: The Administrative Board may, after consulting the Commission, invite representatives of non-member countries , of Community institutions and bodies and of international organisations as observers .
CPVO (Community Plant Variety Office)	Angers	Yes	Regulation (EC) No 2100/94 of 27 July 1994 Article 39(5): The Administrative Council may invite observers to attend its meetings.
CDT (Translation Centre for the bodies of the EU)	Luxembourg	No	Regulation (EC) No 2965/94 of 28 November 1994
FRA (European Union Agency for Fundamental Rights)	Vienna	No	Regulation (EC) No 168/2007 of 15 February 2007 Article 28 – Participation and scope in respect of candidate countries and countries with which a Stabilisation and Association Agreement has been concluded

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			<p>1. The Agency shall be open to the participation of candidate countries as observers.</p> <p>2. The participation and the respective modalities shall be determined by a decision of the relevant Association Council, taking into account the specific status of each country. ...</p> <p>3. The Council, acting unanimously on a proposal by the Commission, may decide to invite a country with which a Stabilisation and Association Agreement has been concluded by the European Community to participate in the Agency as an observer. In that case, paragraph 2 shall apply accordingly.</p>
EAR (European Agency for Reconstruction)	Thessalonica	No	Regulation (EC) No 2667/2000 of 5 December 2000
EFSA (European Food Safety Authority)	Parma	Yes	<p>Regulation (EC) No 178/2002 of 28 January 2002</p> <p>Article 49 - Participation of third countries:</p> <p>The Authority shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.</p> <p>Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which these countries will participate in the Authority's work, including provisions related to participation in the networks operated by the Authority, inclusion in the list of competent organisations to which certain tasks may be entrusted by the Authority, financial contributions and staff.</p>

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EMSA (European Maritime Safety Agency)	Lisbon	Yes	<p>Regulation (EC) No 1406/2002 of 27 June 2002</p> <p>Article 17 - Participation of third countries:</p> <p>1. The Agency shall be open to the participation of third countries, which have entered into agreements with the European Community, whereby they have adopted and are applying Community law in the field of maritime safety and prevention of pollution by ships.</p> <p>2. Under the relevant provisions of these agreements, arrangements will be developed which shall, inter alia, specify the nature and the extent of the detailed rules for the participation of these countries in the work of the Agency, including provisions on financial contributions and staff.</p>
EASA (European Aviation Safety Agency)	Cologne	Yes	<p>Regulation (EC) No 1592/2002 of 15 July 2002</p> <p>Article 18(2) - International relations:</p> <p>The Agency may cooperate with the aeronautical authorities of third countries and the international organisations competent in matters covered by this Regulation in the framework of working arrangements concluded with those bodies, in accordance with relevant provisions of the Treaty.</p> <p><u>Note:</u> The Regulation differentiates between “participation” and “cooperation”:</p> <p>Participation in EASA: Article 55 of Regulation 1592/2002 is relevant only for Ukraine and potentially, Moldova, Georgia, Armenia, and Azerbaijan (European Chicago contracting parties and adoption and application of EC safety rules including JAA membership required).</p> <p>Cooperation with EASA: Articles 9 (Community agreements on mutual recognition of certification findings) and 18 (working arrangements between the civil aviation authority and EASA) of Regulation 1592/2002 relevant for all ENP partners save for the Palestinian Authority which is not a Contracting Party to the Chicago Convention (legal impediment) and has no aeronautical activity whatsoever: no production or maintenance of aircraft, no engineer or flight crew licensing.</p>

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ENISA (European Network and Information Security Agency)	Heraklion	Yes	<p>Regulation (EC) No 460/2004 of 10 March 2004</p> <p>Article 24 - Participation of third countries:</p> <p>1. The Agency shall be open to the participation of countries, which have concluded agreements with the European Community by virtue of which they have adopted and applied Community legislation in the field covered by this Regulation.</p> <p>2. Arrangements shall be made under the relevant provisions of those arrangements, specifying in particular the nature, extent and manner in which these countries will participate in the Agency's work, including provisions related to participation in initiatives undertaken by the Agency, financial contributions and staff.</p>
ECDC (European Centre for Disease Prevention and Control)	Stockholm	Yes	<p>Regulation (EC) No 851/2004 of 21 April 2004</p> <p>Article 30 - Participation of third countries:</p> <p>1. The Centre shall be open to the participation of countries, which have concluded agreements with the Community by virtue of which they have adopted and apply legislation of equivalent effect to Community legislation in the field covered by this Regulation.</p> <p>2. Arrangements shall be made under the relevant provisions of those agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Centre's work, including provisions relating to participation in the networks operated by the Centre, inclusion in the list of competent organisations to which certain tasks may be entrusted by the Centre, financial contributions and staff.</p>

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ERA (European Railway Agency)	Lille-Valenciennes	Yes (European partners)	<p>Regulation (EC) No 881/2004 of 29 April 2004</p> <p>Article 36 - Participation by third countries:</p> <p>1. The Agency shall be open to participation by European countries which have concluded agreements with the Community, whereby the countries concerned have adopted and are applying Community legislation in the field covered by this Regulation.</p> <p>2. In accordance with the relevant provisions of the above-mentioned agreements, arrangements shall be made which shall specify the detailed rules for participation by these countries in the work of the Agency, in particular the nature and extent of such participation. These arrangements shall include, inter alia, provisions on financial contributions and staff. They may provide for representation, without vote, on the Administrative Board.</p>
FRONTEX (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU)	Warsaw	Yes	<p>Regulation (EC) No 2007/2004 of 26 October 2004</p> <p>Article 14 - Facilitation of operational cooperation with third countries and cooperation with competent authorities of third countries:</p> <p>In matters covered by its activities and to the extent required for the fulfilment of its tasks, the Agency shall facilitate the operational cooperation between Member States and third countries, in the framework of the European Union external relations policy.</p> <p>The Agency may cooperate with the authorities of third countries competent in matters covered by this Regulation in the framework of working arrangements concluded with these authorities, in accordance with the relevant provisions of the Treaty.</p>
GALILEO-European GNSS Supervisory Authority	to be determined	Yes	<p>Regulation (EC) No 1321/2004 of 12 July 2004</p> <p>Article 21 - Participation of third countries:</p> <p>1. The Authority shall be open to the participation of third countries, which have entered into agreements with the European Community to this effect.</p>

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			<p>2. Under the relevant provisions of these agreements, arrangements shall be developed specifying, in particular, the nature, extent and manner in which these countries will participate in the work of the Authority, including provisions relating to participation in the initiatives undertaken by the Authority, financial contributions and staff.</p> <p>3. The participation of any third country in the Authority shall be submitted for approval to the Council.</p>
CFCA (Community Fisheries Control Agency)	Vigo	Yes (cooperation as described in Article 4)	<p>Council Regulation (EC) No 768/2005 of 26 April 2005</p> <p>Article 4 ...with provisions on tasks relating to the international obligations of the Community relating to control and inspections allows the Agency, at the request of the Commission, to assist the Community and Member States in their relations with third countries and regional international fisheries organisations of which the Community is a member. The Agency may, at the request of the Commission, cooperate with the competent authorities of third countries in matters relating to control and inspection in the framework of agreements concluded between the Community and such countries. The Agency may, with its field of competence, carry out on behalf of Member States tasks under international fisheries agreements to which the Community is party.</p>
ECHA (European Chemicals Agency)	Helsinki	Yes	<p>Regulation (EC) 1907/2006 of 18 December 2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency</p> <p>Article 106: The Management Board may, in agreement with the relevant Committee or the Forum, invite representatives of third countries to participate in the work of the Agency.</p> <p>Article 120:</p> <p>Cooperation with third countries and international organisations:</p> <p>Notwithstanding Articles 118 and 119, information received by the Agency</p>

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			<p>under this Regulation may be disclosed to any government or national authority of a third country or an international organisation in accordance with an agreement concluded between the Community and the third party concerned under Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals (1) or under Article 181a(3) of the Treaty, provided that both the following conditions are met:</p> <p>(a) the purpose of the agreement is cooperation on the implementation or management of legislation concerning chemicals covered by this Regulation;</p> <p>(b) the third party protects the confidential information as mutually agreed.</p>
European Institute for Gender Equality	Vilnius	Yes	<p>Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006</p> <p>Article 8 -Cooperation with organisations at national and European level, international organisations and third countries:</p> <p>1. To help it carry out its tasks, the Institute shall cooperate with organisations and experts in the Member States, such as equality bodies, research centres, universities, non governmental organisations, social partners as well as with relevant organisations at European or international level and third countries.</p> <p>2. Should agreements with international organisations or with third countries prove necessary for the Institute to carry out its tasks efficiently, the Community shall, in accordance with the procedure provided for in Article 300 of the Treaty, enter into such agreements with the international organisations or with third countries in the interests of the Institute. This provision shall not preclude ad hoc cooperation with such organizations or third countries.</p> <p>Article 19 -Participation of third countries:</p> <p>1. The Institute shall be open to the participation of countries which have concluded agreements with the European Community by virtue of which they have adopted and apply Community legislation in the field covered by this Regulation.</p> <p>2. Arrangements shall be made under the relevant provisions of those</p>

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			agreements, specifying in particular the nature, extent and manner in which those countries are to participate in the Institute's work, including provisions relating to participation in the initiatives undertaken by the Institute, financial contributions and staff. As regards staff matters, those agreements shall, at all events, be in accordance with the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities.
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EU 2nd pillar agencies (comment: these EU agencies are not subject of the Communication of 4 December 2006 on participation in Community agencies (COM 2006 724))			
ISS (European Institute for Security Studies)	Paris	Yes	<p>Council Joint Action of 20 July 2001</p> <p>Article 17 - Visiting researchers:</p> <p>Visiting researchers may for limited time periods be seconded to the Institute by Member States and Third States, after agreement by the Director, to participate in the activities of the Institute in accordance with Article 2.</p>

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EUSC (European Union Satellite Centre)	Torrejón de Ardoz	Yes (limited eligibility)	<p>Council Joint Action of 20 July 2001,</p> <p>Article 21 - Association of third States:</p> <p>Non-EU European NATO members and other States which are candidates for accession to the EU shall be entitled to be involved in the Centre's activities in accordance with the Provisions set out in the Annex.</p>
EDA (European Defence Agency)	Brussels	Yes	<p>Council Joint Action 2004/551/CSFP of 12 July 2004,</p> <p>Article 23 - Participation of third parties:</p> <p>1. Third parties may contribute to a particular ad hoc project or programme, established in accordance with Articles 20 or 21, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary ad hoc arrangements between the Agency and third parties for each particular project or programme.</p> <p>2. For projects established under Article 20, the contributing Member States meeting with the Steering Board shall approve any necessary modalities with the relevant third parties relating to their contribution.</p> <p>3. For projects established under Article 21, the contributing Member States shall decide any necessary modalities with the relevant third parties relating to their contribution.</p> <p>4. Where the Community contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraphs 2 and 3.</p>

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EU 3rd pillar agencies (comment: these agencies are mentioned on page 7 of the Communication of 4 December 2006 (COM 2006 724))			
EUROPOL (European Police Office)	The Hague	Yes	<p>Council Act of 26 July 1995 drawing up the Convention on the establishment of a European Police Office (Europol Convention);</p> <p>Council Act of 3 November 1998 laying down rules governing Europol's external relations with third States and third bodies</p> <p>Council Act of 3 November 1998 laying down the Rules concerning the receipt of information by Europol from third parties;</p> <p>Council Act of 12 March 1999 adopting the Rules governing the transmission of personal data by Europol to third States and third bodies,</p> <p>Council Decision of 27 March 2000 authorising the Director of Europol to enter into negotiations on agreements with third States and non-EU related bodies</p> <p>Article 42 of the Europol Convention: Relations with third States and third bodies:</p> <p>... Europol may establish and maintain relations with third States and third bodies (...). Having obtained the opinion of the Management Board, the Council, acting unanimously in accordance with the procedure laid down in Title VI of the Treaty on the European Union, shall draw up rules governing the relations referred to in the first sentence.</p>

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EUROJUST (The European Union's Judicial Cooperation Unit)	The Hague	Yes	<p>Council Decision No 187/2002/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime</p> <p>Article 27 of the Eurojust Decision enables Eurojust to exchange information with authorities of third countries which are competent for investigations and prosecutions and to conclude cooperation agreements with third countries. Such agreements need the approval of the Council, after consultation of the Joint Supervisory Body of Eurojust. Transmission of personal data may be effected only when an adequate level of data protection is ensured.</p>
CEPOL (European Police College)	Bramshill	Yes	<p>Council Decision 2005/681/JHA of 20 September 2005</p> <p>Article 8 paragraph 2 & 3:</p> <p>CEPOL may co-operate with national training institutes of non-Member States of the EU, [...] The Governing Board may authorise the Director of CEPOL to negotiate co-operation agreements with [...] the above-mentioned bodies. Such co-operation agreements may be concluded only with the authorisation of the Governing Board. And [...] those with bodies of non-Member States can only be concluded after the approval of the Council has been obtained.</p>

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