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ANNEX 11

ANNEX

ANNEX XI

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

to the

Proposal for a Council Decision

on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

PROTOCOL I
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

Article 1

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

Article 2

The Republic of Moldova shall contribute financially to the general budget of the EU corresponding to the specific programmes in which the Republic of Moldova participates.

Article 3

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

Article 4

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

Article 5

The specific terms and conditions regarding the participation of the Republic of Moldova in each particular programme, in particular the financial contribution payable and the reporting and evaluation procedures, shall be determined in a Memorandum of Understanding between the European Commission and the competent authorities of the Republic of Moldova on the basis of the criteria established by the programmes concerned.

If the Republic of Moldova applies for external assistance of the Union to participate in a given Union programme pursuant to 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 legislative act of the Union providing for external assistance of the Union to the Republic of Moldova that may be adopted in the future, the conditions governing the use by the Republic of Moldova of external assistance of the Union shall be determined in a financing agreement, complying in particular with Article 20 of Regulation (EC) No 1638/2006.

Article 6

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

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

Article 7

This Protocol shall apply while this Agreement is applicable.

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.

Termination of the Protocol following denunciation by either Party shall have no influence on the checks and controls to be carried out in accordance with the provisions laid down in Articles 5 and 6, where appropriate.

Article 8

No later than three years after the date of entry into force of this Protocol, and every three years thereafter, both Parties may review the implementation of this Protocol on the basis of the actual participation of the Republic of Moldova in Union programmes.
