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Proposal for a

COUNCIL DECISION

**on the position to be taken on behalf of the European Union in the Specialised
Committee on Participation in Union Programmes**

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Specialised Committee on Participation in Union Programmes (hereafter, the ‘Specialised Committee’) in connection with the envisaged amendment of Protocol I “Programmes and activities in which the United Kingdom participates” (hereafter, ‘Protocol I’) to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (hereafter, ‘the TCA’).

The purpose of the envisaged amendment is to allow the participation of, and financial contribution by, the United Kingdom, as of 1 January 2027, to the Union programme established by Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport, and repealing Regulation (EU) No 1288/2013¹ (hereafter, the ‘Erasmus+ programme’).

2. CONTEXT OF THE PROPOSAL

2.1. The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

The TCA entered into force on 1 May 2021². It sets out in Part Five “PARTICIPATION IN UNION PROGRAMMES, SOUND FINANCIAL MANAGEMENT AND FINANCIAL PROVISIONS” the rules for the participation of the United Kingdom in Union programmes, activities and services.

Article 710(1) of the TCA establishes that the United Kingdom shall participate in and contribute to the Union programmes, activities, or in exceptional cases, the part of Union programmes or activities, which are open to its participation, and which are listed in Protocol I.

Pursuant to Article 710(2), Article 714(11) and Article 731(3) of the TCA, the Specialised Committee established by Article 8(1)(s) of the TCA adopted on 4 December 2023, a decision establishing Protocol I “Programmes and activities in which the United Kingdom participates” (‘Protocol I’) and Protocol II “on access of the United Kingdom to services established under certain Union programmes and activities in which the United Kingdom does not participate” (‘Protocol II’) of the TCA.

In accordance with Article 1 (1) of Protocol I, the United Kingdom currently participates in, and contributes as of 1 January 2024 to, the following Union programmes and activities, or parts thereof, established by the following basic acts:

¹ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

² Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2–9)

- Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU, insofar as it concerns the rules applicable to the component referred to in point (c) of Article 3, paragraph 1 of that Regulation (“Copernicus”);
- 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 1291/2013, insofar as it concerns the rules applicable to the components referred to in paragraph 2(a) and (b) of Article 1 of that Regulation;
- Council Decision (EU) 2021/764 of 10 May 2021 establishing the Specific Programme implementing Horizon Europe – the Framework Programme for Research and Innovation, and repealing Decision 2013/743/EU.

Following the EU-UK Summit of 19 May 2025, the European Commission and the United Kingdom reached a Common Understanding to work towards the association of the United Kingdom to the Erasmus+ programme. The specific conditions of that association, including its financial terms, were to be determined during the negotiation process and by ensuring a fair balance between the contributions of, and benefits to, the United Kingdom, in accordance with the Union’s Multiannual Financial Framework and the TCA.

As a result of those discussions, Protocol I is to be amended to allow for the participation of the United Kingdom as an associated country in the Erasmus+ programme.

2.2. The Specialised Committee on Participation in Union Programmes

The Specialised Committee is established by Article 8(1)(s) of the TCA.

The TCA provides *inter alia* in Article 710(2) that the Specialised Committee may amend Protocol I.

2.3. The envisaged act of the Specialised Committee on Participation in Union Programmes

The Specialised Committee is to amend Protocol I of the TCA (‘the envisaged amendment’).

The purpose of the envisaged amendment is to allow participation of the United Kingdom and United Kingdom entities in the Erasmus+ programme and access to the related programme activities and services.

To that end, the envisaged amendment adds the Erasmus+ programme established by Regulation (EU) 2021/817 to the list of Union programmes covered by Protocol I and provides that the United Kingdom shall participate in the Erasmus + programme from 1 January 2027.

As participation of the United Kingdom to the Erasmus+ programme will apply from the seventh year of the Union’s Multiannual Financial Framework 2021–2027, the United Kingdom will not participate in the programme for the period 2021–2026. The envisaged amendment therefore reflects the temporal scope of participation and lays down the specific financial conditions applicable to the United Kingdom’s participation in 2027, which entails a reduction of 30% to the United Kingdom operational contribution to the programme.

The envisaged amendment also establishes the specific conditions for participation in 2027, including the notification of the United Kingdom's national authority, the designation of a national agency, and of an independent audit body, and introduces a review clause and statistical cooperation clause for the purposes of participation in the Erasmus+ programme.

The envisaged amendment will become binding on the parties as part of the TCA in accordance with Article 778(1) of the TCA, which provides that the “*Protocols, Annexes, Appendices and footnotes to this Agreement shall form an integral part of this Agreement*”. In accordance with Rule 9 in conjunction with Rule 13 (1) of Annex 1 of the TCA, decisions adopted by the Specialised Committee shall specify the date at which they take effect.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

It is proposed to agree to the amendment of Protocol I as regards extending participation of the United Kingdom and United Kingdom entities to the Erasmus + programme.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing ‘*the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.*’

The concept of ‘*acts having legal effects*’ includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are ‘*capable of decisively influencing the content of the legislation adopted by the EU legislature*’³.

4.1.2. Application to the present case

The Specialised Committee is a body set up by an agreement, namely the TCA.

The act which the Specialised Committee is called upon to adopt constitutes an act having legal effects. The envisaged amendment will be binding under international law in accordance with Article 778(1) of the TCA.

The envisaged amendment does not supplement or amend the institutional framework of the TCA.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

³ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

With regard to an envisaged act that simultaneously pursues a number of objectives, or that has several components, which are inseparably linked without one being incidental to the other, the substantive legal basis of a decision under Article 218(9) TFEU will have to include, exceptionally, the various corresponding legal bases.

4.2.2. Application to the present case

The envisaged amendment pursues objectives and has components in the area of education, vocational training, youth and sport. These elements of the envisaged act are inseparably linked without one being incidental to the other.

Therefore, the substantive legal basis of the proposed decision comprises the following provisions: the Treaty on the Functioning of the European Union, and in particular Articles 165(4) and 166(4) TFEU thereof.

4.3. Conclusion

The legal basis of the proposed decision should be Articles 165(4) and 166(4) TFEU, in conjunction with Article 218(9) TFEU.

5. PUBLICATION OF THE ENVISAGED ACT

As the decision of the Specialised Committee on Participation in Union Programmes amending Protocol I has legal effects, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Specialised Committee on Participation in Union Programmes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165(4) and 166(4) TFEU, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union programme for education, training, youth and sport is established by Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021⁴ (the ‘Erasmus+ Regulation’).
- (2) Pursuant to Article 19 of the Erasmus+ Regulation, which provides for the association of third countries to the programme, the specific terms and conditions of such association are to be determined by an international agreement between the Union and the third country concerned.
- (3) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part (‘the TCA’) was concluded by Council Decision (EU) 2021/689⁵ and entered into force on 1 May 2021.
- (4) Pursuant to Article 710(2) of the TCA, the Specialised Committee on Participation in Union Programmes established by Article 8(1)(s) of the TCA (the ‘Specialised Committee’) may amend Protocol I “Programmes and activities in which the United Kingdom participates” (‘Protocol I’), including to add new Programmes or activities to which the United Kingdom shall participate in and contribute to.
- (5) Protocol I and its amendments form an integral part of the TCA.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Specialised Committee, as regards the amendment of Protocol I of the TCA.

⁴ Regulation (EU) 2021/817 of the European Parliament and of the Council of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013 (OJ L 189, 28.5.2021, p. 1).

⁵ Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2–9)

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the framework of the Specialised Committee on Participation in Union Programmes shall be based on the draft act of the Specialised Committee attached to this Decision.

Article 2

Minor technical changes to the draft Decision may be agreed to by the representatives of the Union in the Specialised Committee, without further decision of the Council.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council
The President