



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption and also allow for the participation of the EEA EFTA States in EEA relevant EU actions or programmes.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms in order to allow for the EEA EFTA States' continued participation in EU actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.

3. LEGAL ELEMENTS OF THE PROPOSAL

Article 1(3) of Council Regulation (EC) No 2894/94 concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission submits the Draft Decision of the EEA Joint Committee for adoption by the Council as the Union's position. The Commission would hope to be able to present it in the EEA Joint Committee at the earliest possible opportunity.

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on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area¹, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area² (“the EEA Agreement”) entered into force on 1st January 1994.
- (2) Pursuant to Article 98 of the Agreement, the EEA Joint Committee may decide to amend, among others, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to continue the cooperation of the Contracting Parties to the EEA Agreement in European Union actions funded from the General Budget of the European Union regarding the implementation, operation and development of the Internal Market.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2011.
- (4) The position of the European Union in the EEA Joint Committee should therefore be based on the attached draft Decision,

¹ OJ L 305, 30.11.1994, p. 6.

² OJ L 1, 3.1.1994, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement shall be based on the draft Decision of that Committee, attached to this Decision.

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

Article 2

After its adoption, the Decision of the EEA Joint Committee shall be published in the *Official Journal of the European Union*.

Article

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

Done at Brussels,

*For the Council
The President*

ANNEX

Draft

**DECISION OF THE EEA JOINT COMMITTEE
No**

of

**amending Protocol 31 to the EEA Agreement,
on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...³.
- (2) It is appropriate to continue the cooperation of the Contracting Parties to the Agreement in Union actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2011,

HAS DECIDED AS FOLLOWS:

Article 1

Article 7 of Protocol 31 to the Agreement shall be amended as follows:

1. The words “years 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011” in paragraph 6 shall be replaced by the words “years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012”.
2. The words “years 2006, 2007, 2008, 2009, 2010 and 2011” in paragraph 7 shall be replaced by the words “years 2006, 2007, 2008, 2009, 2010, 2011 and 2012”.
3. The words “years 2008, 2009, 2010 and 2011” in paragraph 8 shall be replaced by the words “years 2008, 2009, 2010, 2011 and 2012”.

³ OJ L ...

Article 2

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement*.

It shall apply from 1 January 2012.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to the *Official Journal of the European Union*.

Done at Brussels, .

For the EEA Joint Committee

The President

*The Secretaries
to the EEA Joint Committee*

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]