



Brussels, 31.3.2014  
COM(2014) 197 final

2014/0111 (NLE)

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 Union 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, activities or programmes.

Article 78 of the EEA Agreement provides that the Contracting Parties shall strengthen and broaden cooperation in the framework of the Union's activities in the fields of, inter alia, social policy.

### **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 extend the cooperation of the Contracting Parties in the area of social cooperation.

More concretely, Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion<sup>1</sup>, shall be incorporated in the EEA Agreement in order to allow the EEA/EFTA countries to participate in selected axes of the EaSI programme.

Article 15(1) of Protocol 31 to the EEA Agreement has provided the legal basis for EEA EFTA participation in the various activities of the Union under Eures. Article 15(2) has provided the legal basis for financial contributions in that regard. As of 1 January 2014, the financing under Eures will take place under the European Union Programme for Employment and Social Innovation. As the Programme will be included in Article 15(8), future financial contributions will be made pursuant to Article 15(6). The draft JCD therefore amends Article 15(2), in order to clarify that this provision will only apply to activities carried out before the entry into force of the Programme on 1 January 2014.

The adaptation text in the Annex clarifies that Liechtenstein is not to participate in, and thus also not to contribute financially to the programme.

Norway will participate in the EURES axis of the programme. At a later stage, a more extensive participation could be preferred. If so, a new EEA Joint Committee decision will be proposed, in order to extend the participation of Norway.

Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014.

### **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.

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<sup>1</sup> OJ L 347, 20.12.2013, p. 238.

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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## 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46(d), 149, 153(2)(a), third paragraph of 175 and 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 Area<sup>2</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 31 to the Agreement on the European Economic Area, (hereinafter referred to as "the EEA Agreement") contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms,
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion<sup>3</sup>,
- (3) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014,
- (4) The position of the Union within the EEA Joint Committee should be based on the attached draft Decision.

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be taken by the 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 the EEA Joint Committee attached to this Decision.

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<sup>2</sup> OJ L 305, 30.11.1994, p. 6.

<sup>3</sup> OJ L 347, 20.12.2013, p. 238.

*Article 2*

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

Done at Brussels,

*For the Council  
The President*