



EUROPEAN
COMMISSION

Brussels, 11.3.2014
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2014/0080 (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 EU legislation into the EEA Agreement as soon as possible after its adoption.

The aim of this draft Joint Committee Decision is to include Horizon 2020 into the EEA Agreement. This would allow the EEA/EFTA countries to take full advantage of the opportunities offered by this biggest EU Research and Innovation programme ever with nearly €80 billion of funding available over 7 years (2014 to 2020).

The participation of the EEA/EFTA countries in Horizon 2020 programme will have budgetary implications since these countries will not only participate in the initiatives in this framework, but at the same time they shall also financially contribute. This is the reason why this draft Joint Committee Decision is to be adopted in the form of a Council Decision

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

The effects of the inclusion of Horizon 2020

Previous framework programmes have been included into Article 1(5) of Protocol 31 to the EEA Agreement. Pursuant to that provision also acts deriving from the framework programmes are to be considered objects of that Article. This method of inclusion has been very beneficial, because it has not been necessary to include every act concerning the programmes separately, with all the work and procedures this would entail. Acts such as those establishing specific programmes and laying down the rules for the participation and dissemination in the framework programmes have therefore not been included separately into the EEA Agreement. The draft JCD applies the same method of incorporation and hence contains a provision on the inclusion of the Horizon 2020 Framework Regulation into Article 1(5).

Regulation (EC) No 294/2008¹ establishing the European Institute of Innovation and Technology is included in Article 1(11) of Protocol 31 to the EEA Agreement. The Regulation has been amended by Regulation (EU) No 1292/2013, and this amendment must be reflected in the EEA Agreement. The draft JCD therefore contains a provision including the amending act in Article 1(11).

3. LEGAL ELEMENTS OF THE PROPOSAL

Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC²

Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology³

¹ OJ L 97, 9.4.2008, p. 1.

² OJ L 347, 20.12.2013, p. 104.

³ OJ L 347, 20.12.2013, p. 174.

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

4. BUDGETARY IMPLICATION

The EEA/EFTA countries shall participate in Horizon 2020 and take advantage of the funding possibilities as stipulated in Part VI of the EEA Agreement. At the same time the EEA/EFTA countries shall financially contribute to this programme as stipulated in Article 82 of the EEA Agreement.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 173(3) and 182(1) 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 Area⁴, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area⁵ (“the EEA Agreement”) entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 thereto.
- (3) Protocol 31 to the EEA Agreement contains specific provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 – the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC⁶.
- (5) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology⁷.
- (6) Protocol 31 to the EEA Agreement should therefore be amended accordingly, in order to allow for this extended cooperation to take place from 1 January 2014.
- (7) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision.

⁴ OJ L 305, 30.11.1994, p. 6.

⁵ OJ L 1, 3.1.1994, p. 3.

⁶ OJ L 347, 20.12.2013, p. 104.

⁷ OJ L 347, 20.12.2013, p. 174.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of 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 the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Brussels,

*For the Council
The President*