



Brussels, 19.8.2014  
COM(2014) 523 final

2014/0241 (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 (Budget Lines  
02.03.01 and 12.02.01)**

## 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 extend the cooperation of the Contracting Parties to the EEA Agreement to include cooperation in actions funded from the general budget of the Union concerning "Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation" and "Implementation 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.

The Decision of the EEA Joint Committee should serve also as the agreement of the Parties, pursuant to Article 1(8) of Protocol 32 to the EEA Agreement, to continue the cooperation beyond 31 December 2013 even if the EEA Joint Committee Decision annexed to this Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee Decision, if any, is notified after 10 July 2014.

Proposal for a

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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 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 Area<sup>1</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area<sup>2</sup> ('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 to the EEA Agreement ('Protocol 31').
- (3) Protocol 31 to the EEA Agreement contains specific provisions on 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 actions funded from the general budget of the Union concerning "Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation" and "Implementation and development of the internal market".
- (5) It is appropriate that, pursuant to Article 1(8) of Protocol 32 to the Agreement, the cooperation among the Parties should continue beyond 31 December 2013 even if the EEA Joint Committee Decision annexed to this Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee decision, if any, is notified after 10 July 2014.
- (6) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of the EEA Joint Committee Decision annexed to this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States

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<sup>1</sup> OJ L 305, 30.11.1994, p. 6.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3.

provided that the EEA Joint Committee Decision enters into force before the end of the action concerned.

- (7) Protocol 31 to the EEA Agreement should therefore be amended accordingly, in order to allow for this extended cooperation to continue beyond 31 December 2013.
- (8) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the European Union, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, 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 date of its adoption.

Done at Brussels,

*For the Council  
The President*