



Council of the  
European Union

Brussels, 27 November 2023  
(OR. en)

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**Interinstitutional File:**  
**2023/0364 (NLE)**

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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning the amendment to Annexes V (Free movement of workers) and VI (Social security) and Protocol 31 (On cooperation in specific fields outside the four freedoms) to the EEA Agreement (ELA Regulation)

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**COUNCIL DECISION (EU) 2023/...**

**of ...**

**on the position to be adopted, on behalf of the European Union,  
within the EEA Joint Committee concerning the amendment to Annexes V  
(Free movement of workers) and VI (Social security)  
and Protocol 31 (On cooperation in specific fields outside the four freedoms)  
to the EEA Agreement  
(ELA Regulation)**

**(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46 and 48 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,

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

Whereas:

- (1) The Agreement on the European Economic Area<sup>1</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, Annexes V (Free movement of workers) and VI (Social security) and Protocol 31 (On cooperation in specific fields outside the four freedoms) to the EEA Agreement.
- (3) Regulation (EU) 2019/1149 of the European Parliament and of the Council<sup>2</sup> should be incorporated into the EEA Agreement.
- (4) Annexes V (Free movement of workers) and VI (Social security) and Protocol 31 (On cooperation in specific fields outside the four freedoms) to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

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

<sup>2</sup> Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344 (OJ L 186, 11.7.2019, p. 21).

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annexes V (Free movement of workers) and VI (Social security) and Protocol 31 (On cooperation in specific fields outside the four freedoms) 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 date of its adoption.

Done at Brussels, ...

*For the Council*  
*The President*

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