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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	2 June 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 263 annex
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (EDIP Regulation)

Delegations will find attached document COM(2026) 263 annex.

Encl.: COM(2026) 263 annex



Brussels, 2.6.2026
COM(2026) 263 final

ANNEX

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to the

Proposal for a

COUNCIL DECISION

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

(EDIP Regulation)

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 (“the EEA Agreement”), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products (‘EDIP Regulation’).
- (2) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) 2025/2643 commence from 1 January 2026, irrespective of when this Decision is adopted, or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2026.
- (3) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2026, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States, provided that this Decision enters into force before the end of the action concerned.
- (4) The conditions for participation of EFTA States and their institutions, undertakings, organizations and nationals in programmes of the European Union are set out in the EEA Agreement and in particular in Article 81 thereof.
- (5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2026,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is added after paragraph 16 of Article 7 of Protocol 31 to the EEA Agreement:

- ‘17 The EFTA States shall, as from 1 January 2026, participate in the Union actions related to the following act and budget lines, entered into the general budget of the European Union:

- **32025 R 2643:** Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP Regulation') (OJ L, 2025/2643, 29.12.2025).

- **Budget line 13 01 06:** "Support expenditure for the European Defence Industry Programme".

- **Budget line 13 08 01:** "European Defence Industry Programme".

The costs incurred for activities the implementation of which starts after 1 January 2026 or, where the conditions of paragraph 4 of Article 7 of Regulation (EU) 2025/2643 are fulfilled, after 5 March 2024, may be considered eligible as from the starting date of the action fixed in the grant agreement or the grant decisions concerned, under the conditions set out therein, provided that Decision of the EEA Joint Committee [This Decision] enters into force before the end of the action.

Iceland and Liechtenstein shall be exempted from participation in, and the financial contribution to, this Instrument. Consequently, this paragraph shall not apply to Iceland and Liechtenstein.

By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.

The term 'Member State(s)' and other terms referring to their public entities contained in Chapter VII of the Regulation shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their public entities.

The applicable provisions of this Regulation are listed below and shall, for the purposes of the present Agreement, be read with the following adaptations:

- (i) Only the following provisions of the Regulation shall apply:
Articles 1-21, 35-77 and 79-86.
- (ii) In Article 72(1), the words "or, as regards undertakings established in the EFTA States, the EFTA Surveillance Authority by way of decision," shall be inserted after the words "implementing acts,".
- (iii) In Articles 72(2), 72(3), 73, 74 and 75 the words "or, as regards the EFTA States, the EFTA Surveillance Authority" shall be inserted after the words "the Commission" and "The Commission".
- (iv) In Article 72(4), the words "The EFTA States shall determine the allocation of the amounts of the fines collected by the EFTA Surveillance Authority." shall be inserted after the words "Support Instrument.".
- (v) In Articles 73(5) and 74(5)(b), the words "or the EFTA Court" shall be inserted after the words "the Court of Justice of the European Union".'

Article 2

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

It shall apply from 1 January 2026.

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.]

Declaration by the EFTA States

to Decision No [...] of xx 2026 amending Protocol 31 to the EEA Agreement to extend the cooperation of the Contracting Parties to include the participation of the EFTA States in the the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products established by Regulation (EU) 2025/2643

[for adoption with the Decision and for publication in the OJ]

This Decision extends the cooperation of the Contracting Parties to include the participation of the EFTA States in the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP'). The EFTA States consider that defence matters fall outside the scope of the EEA Agreement, and therefore that the adoption of this Decision does not extend the scope of the EEA Agreement to include defence matters beyond the participation in EDIP. The EFTA States also stress that Iceland and Liechtenstein are not participating in, and shall therefore not be required to financially contribute to, EDIP.