



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 28 May 2014
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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	28 May 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2014) 303 final
Subject:	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 Annex XX (Environment) to the EEA Agreement

Delegations will find attached document COM(2014) 303 final.

Encl.: COM(2014) 303 final



EUROPEAN
COMMISSION

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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 Annex XX (Environment) to the EEA Agreement

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.

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, the environment.

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 Annex XX (Environment) to the EEA Agreement in order to extend the cooperation of the Contracting Parties in the area of the environment.

In order to achieve this, Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides¹ needs to be incorporated in the EEA Agreement.

Annex XX (Environment) to the EEA Agreement should therefore be amended.

It should be noted the EU position needs to be adopted by the Council as it entails derogation to EU law. Norway has a National Action Plan on reduced risks on pesticide use for the period 2010-2014. The current action plan is the fourth national plan focusing on reducing the use and the risks connected with the use of plant protection products. The Action Plan meets, to a large extent, the requirements of the Directive. Several of the projects run until the end of 2014. Furthermore, due to a fixed funding cycle, it has already been decided which projects will be prioritized in 2014. It is thus necessary to have a period of time after 31 December 2014 to analyze the results of ongoing projects and to elaborate a new National Action plan.

The following adaptation concerning Article 4(2) of the Directive is hence proposed by the EFTA side in the draft JCD, allowing Norway the necessary time to elaborate a new National Action Plan:

“With regard to Norway, the words “26 November 2012” shall be replaced by the words “1 January 2016”.

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.

¹ OJ L 309, 24.11.2009, p. 71

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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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 175(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 Area², and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area³ ('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, Annex XX (Environment) to the EEA Agreement.
- (3) Directive 2009/128/EC of the European Parliament and of the Council⁴ is to be incorporated into the EEA Agreement.
- (4) Annex XX (Environment) to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within EEA Joint Committee should therefore be based on the attached draft Decision.

² OJ L 305, 30.11.1994, p. 6.

³ OJ L 1, 3.1.1994, p. 3.

⁴ DIRECTIVE 2009/128/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (OJ L 309, 24.11.2009, p. 71)

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 Annex XX (Environment) 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*