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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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| Subject: | Draft DECISION OF THE EEA JOINT COMMITTEE amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms |

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**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) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013[1].

(2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast)[2].

(3) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) 2021/695 and Regulation (EU) 2021/819 commence from 1 January 2021, irrespective of when this Decision is adopted, or whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2021.

(4) 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 activities the implementation of which starts after 1 January 2021 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.

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1 OJ L 170, 12.5.2021, p. 1.
2 OJ L 189, 28.5.2021, p. 61.

(5) The conditions for the 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.

(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 2021,

HAS ADOPTED THIS DECISION:

*Article 1*

Article 1 of Protocol 31 to the EEA Agreement shall be amended as follows:

1. The following is added in paragraph 5:

‘– **32021 R 0695**: Regulation (EU) 2021/695 of the European Parliament and of the Council of 28 April 2021 establishing Horizon Europe – the Framework Programme for Research and Innovation, laying down its rules for participation and dissemination, and repealing Regulations (EU) No 1290/2013 and (EU) No 1291/2013 (OJ L 170, 12.5.2021, p. 1).

The costs incurred for activities the implementation of which starts after 1 January 2021 may be considered eligible as from the starting date of the action fixed in the grant agreement or the grant decision concerned, under the conditions set out therein, provided that Decision of the EEA Joint Committee No …/2021 of … 2021 [this Decision] enters into force before the end of the action.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.’.

2. In paragraph 11(a), the words ‘Community act’ shall be replaced by the words ‘Community acts’, and the following shall be added:

‘– **32021 R 0819**: Regulation (EU) 2021/819 of the European Parliament and of the Council of 20 May 2021 on the European Institute of Innovation and Technology (recast) (OJ L 189, 28.5.2021, p. 61).

The costs incurred for activities the implementation of which starts after 1 January 2021 may be considered eligible as from the starting date of the action fixed in the grant agreement or the grant decision concerned, under the conditions set out therein, provided that Decision of the EEA Joint Committee No …/2021 of … 2021 [this Decision] enters into force before the end of the action.’.

*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 2021.

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

*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*
*[…]*