



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 June 2012

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PROPOSAL

from:	European Commission
dated:	14 June 2012
No Cion doc.:	COM(2012) 295 final
Subject:	Proposal for a Council Decision on the position to be taken by 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

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 295 final



EUROPEAN COMMISSION

Brussels, 14.6.2012
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Proposal for a

COUNCIL DECISION

**on the position to be taken by 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**

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.

Art. 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, research and technological development.

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 include cooperation in the framework of the European Earth monitoring programme (GMES).

This concerns Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)¹.

- (a) Liechtenstein is neither to participate in, nor contribute financially to the GMES programme,
- (b) The participation of Iceland in the GMES programmes is to be suspended temporarily, due to economic constraints.

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.

¹ OJ L 276, 20.10.2010, p. 1.

Proposal for a

COUNCIL DECISION

**on the position to be taken by 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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189, 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 1st January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, among others, Protocol 31 thereto.
- (3) Protocol 31 to the EEA Agreement contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013).
- (5) Protocol 31 to the EEA Agreement should therefore be amended accordingly.
- (6) The position of the Union in the EEA Joint Committee should 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.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union in the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the EEA Joint Committee without further decision of the Council.

Article 2

After its adoption, the Decision of the EEA Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*

Annex

**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, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...¹.
- (2) A comprehensive Earth monitoring system is of central importance to the sustainable management of Northern Europe and the Arctic.
- (3) Norway has contributed to the development of the European Earth Monitoring programme (GMES), both in the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) and as member of the European Space Agency
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)².
- (5) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

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

1. The text of paragraph 6 shall be replaced by the following:

‘Evaluation and major direction of activities in the framework programmes of Union activities in the field of research and technological development referred to in

¹ OJ L ...

² OJ L 276, 20.10.2010, p. 1.

paragraphs 5, 8a, 8c, 9 and 10 shall be governed by the procedure referred to in Article 79(3) of the Agreement.’

2. The following paragraph shall be inserted after paragraph 8b:

‘8c. (a) The EFTA States shall, as from 1 January 2012, participate in the activities which may result from the following Union act:

- **32010 R 0911**: Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013) (OJ L 276, 20.10.2010, p. 1).

(b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.

(c) The EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a), namely the GMES Committee, the Security Board and the User Forum.

(d) This paragraph shall not apply to Liechtenstein.

(e) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.’

Article 2

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

It shall apply from 1 January 2012.

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

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

The Secretaries
to the EEA Joint Committee