



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 June 2011**

**12091/11**

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**Interinstitutional File:  
2011/0159 (NLE)**

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**EEE 23  
MI 327**

**PROPOSAL**

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from:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
dated:	22 June 2011
No Cion doc.:	COM(2011) 365 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.

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

Encl.: COM(2011) 365 final



EUROPEAN COMMISSION

Brussels, 22.6.2011  
COM(2011) 365 final

2011/0159 (NLE)

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 Community legislation into the EEA Agreement as soon as possible after its adoption and also allow for the participation of the EEA EFTA States in EEA relevant EU actions or programmes.

### **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 allow for the EEA EFTA States' continued participation in EU actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.

### **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.

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 Articles 114 and 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,

Whereas:

- (1) Protocol 31 to the Agreement on the European Economic Area, (hereinafter referred to as "the EEA Agreement") contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (2) It is appropriate to continue the cooperation of the Contracting Parties to the Agreement in Union actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2010,

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

HAS ADOPTED THIS DECISION:

*Sole Article*

The position to be taken by the Union in the EEA Joint Committee on an envisaged amendment to Protocol 31 to the EEA Agreement is laid down in the Annex to this Decision.

Done at ...,

*For the Council*  
*The President*

## **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, 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 ...<sup>2</sup>.
- (2) It is appropriate to continue the cooperation of the Contracting Parties to the Agreement in Union actions funded from the General Budget of the Union regarding the implementation, operation and development of the Internal Market.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to continue beyond 31 December 2010,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

Article 7 of Protocol 31 to the Agreement shall be amended as follows:

1. The words “years 2004, 2005, 2006, 2007, 2008, 2009 and 2010” in paragraph 6 shall be replaced by the words “years 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011”.
2. The words “years 2006, 2007, 2008, 2009 and 2010” in paragraph 7 shall be replaced by the words “years 2006, 2007, 2008, 2009, 2010 and 2011”.
3. The words “years 2008, 2009 and 2010” in paragraph 8 shall be replaced by the words “years 2008, 2009, 2010 and 2011”.

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<sup>2</sup> OJ L ...

## *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 2011.

## *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*

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