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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	20 August 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2014) 522 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 Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Health programme)

Delegations will find attached document COM(2014) 522 final.

Encl.: COM(2014) 522 final



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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 Protocol 31 to the EEA
Agreement, on cooperation in specific fields outside the four freedoms
(Health programme)**

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.

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.

In order to extend the cooperation of the Contracting Parties to the EEA Agreement in this area (to take place from 1 January 2014), Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC¹ needs to be incorporated to the EEA Agreement through the above mentioned amendment.

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

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.

The Decision of the EEA Joint Committee should serve also as the agreement of the Parties, pursuant to Article 1(8) of Protocol 32 to the EEA Agreement, to commence the cooperation under Regulation (EU) No 282/2014 from 1 January 2014 even if this EEA Joint Committee Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee Decision, if any, is notified after 10 July 2014.

¹ OJ L 86, 21.3.2014, p. 1.

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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 168(5) 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, Protocol 31 to the EEA Agreement ('Protocol 31').
- (3) Protocol 31 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 282/2014 of the European Parliament and of the Council.⁴
- (5) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 282/2014 commence from 1 January 2014 even if the EEA Joint Committee Decision annexed to this Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee Decision, if any, is notified after 10 July 2014.

² OJ L 305, 30.11.1994, p. 6.

³ OJ L 1, 3.1.1994, p. 3.

⁴ Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC, (OJ L 86, 21/03/2014, p. 1–13)

- (6) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of the EEA Joint Committee Decision annexed to this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that the EEA Joint Committee Decision enters into force before the end of the action concerned.
- (7) Protocol 31 should therefore be amended accordingly.
- (8) The amendment should apply from 1 January 2014.
- (9) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision.

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 Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, 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*