



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 October 2012

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2012/0286 (NLE)**

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RECH 376**

PROPOSAL

from:	European Commission
dated:	17 October 2012
No Cion doc.:	COM(2012) 592 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 (on cooperation in specific fields outside the four freedoms) to the EEA Agreement

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) 592 final



Brussels, 17.10.2012
COM(2012) 592 final

2012/0286 (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 (on cooperation in specific fields outside the
four freedoms) 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.

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 terminate the suspension of Iceland's participation 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.

The participation of Iceland in the GMES programme had been suspended temporarily, due to economic constraints, when Regulation No 911/2010 was incorporated in the EEA Agreement by Decision of the EEA Joint Committee No 139/2012. It is now considered appropriate to terminate the temporary suspension of the participation of Iceland in the GMES 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.

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 (on cooperation in specific fields outside the four freedoms) to the EEA Agreement

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 Area¹, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area² (“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 thereto.
- (3) Protocol 31 to the EEA Agreement contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) 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)³ was incorporated into the Agreement by Decision of the EEA Joint Committee No 139/2012⁴.
- (5) Decision of the EEA Joint Committee No 139/2012 provided for the suspension of the applicability of the Regulation to Iceland, until otherwise decided by the EEA Joint Committee.
- (6) It is appropriate to terminate the suspension of the applicability of the Regulation to Iceland from 1 January 2013.

¹ OJ L 305, 30.11.1994, p. 6

² OJ L 1, 3.1.1994, p. 3.

³ OJ L 276, 20.10.2010, p. 1.

⁴ OJ L ...

- (7) Protocol 31 to the EEA Agreement should therefore be amended accordingly.
- (8) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

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.

Article 2

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

Done at Brussels,

*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 (“the EEA Agreement”),
and in particular Articles 86 and 98 thereof,

Whereas:

- (1) 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 was incorporated into the Agreement by Decision of the EEA Joint Committee No 139/2012².
- (2) The suspension of the applicability of the Regulation to Iceland should be terminated.
- (3) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this termination to take effect from 1 January 2013,

HAS ADOPTED THIS DECISION:

Article 1

In paragraph 8c of Article 1 of Protocol 31 to the EEA Agreement, adaptation (e) shall be deleted.

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 EEA Agreement*.

It shall apply from 1 January 2013.

¹ OJ L 276, 20.10.2010, p. 1.

² OJ L ...

* [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*