

EEE 1603/23

REPORT

From: European Commission

Subject: Progress report of the EEA Joint Committee

Decision making

1. The EEA Joint Committee has adopted 207 Joint Committee Decisions (JCDs) incorporating 384 legal acts since the 55th meeting of the EEA Council on 23 November 2022. In the period from 1 January to 28 April 2023, the EEA Joint Committee has adopted 141 JCDs incorporating 273 legal acts. In comparison, during the period from 1 January to 29 April 2022, 164 JCDs incorporating 294 legal acts were adopted.
2. As of 5 April 2023, there were 612 legal acts outstanding where the compliance date in the EU had passed, compared to 574 acts on 12 October 2022. Since October 2022, therefore, the overall number of legal acts outstanding increased slightly. Of the 612 legal acts outstanding on 5 April 2023, 216 acts are still in the early stages of the incorporation process, where the compliance date in the EU has passed less than six months ago.
3. As of 5 May 2023, the number of JCDs awaiting the fulfilment of constitutional requirements where the six-month period had expired was 31, compared to 32 on 12 October 2022.

4. Important decisions incorporated since the 55th meeting of the EEA Council on 23 November 2022, include:

- Decision No 333/2022 on a single digital gateway,
- Decision No 337/2022 on audiovisual media services,
- Decision No 353/2022 on Statistics,
- Decision No 20/2023 on an amendment to adaptation to 32014R0909 (Central Securities Depository - Liechtenstein),
- Decision No 21/2023 on network and information systems across the Union (NIS1),
- Decision No 22/2023 on information and communications technology cybersecurity certification (Cybersecurity Act),
- Decision No 27/2023 on the European Cybersecurity Industrial, Technology and Research Competence Centre,
- Decision No 28/2023 on establishing a European Centre for the Development of Vocational Training (Cedefop),
- Decision No 50/2023 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement,
- Decision No 63/2023 on setting up the Radio Spectrum Policy Group and repealing Decision 2002/622/EC,
- Decision No 65/2023 on the technical information necessary for roadworthiness testing of the items to be tested, on the use of the recommended test methods, and establishing detailed rules concerning the data format and the procedures for accessing the relevant technical information,
- Decision No 77/2023 laying down rules on the making available on the market of EU fertilising products,

- Decision No 109/2023 establishing the European Agency for Safety and Health at Work (EU-OSHA),
- Decision No 114/2023 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency,

Decision shaping

5. The EEA EFTA States are participating in 13 EU programmes and 25 agencies, of which 19 are decentralised agencies and 6 are executive agencies.
6. Since the last EEA Council, the EEA Joint Committee has taken note of EEA EFTA Comments on the following subjects:
 - EEA EFTA Comment on the upcoming Commission proposal for a front-of-pack nutrition label
 - EEA EFTA Comment on the proposal for a Regulation establishing a Single Market Emergency Instrument

Briefings in the Joint Committee

7. In the period from 23 November 2022 to 24 May 2023 the EEA Joint Committee has received briefings on:
 - The European Commission Work Programme for 2023,
 - EU's overall State aid policy for the internal market, including the EU response to the US Inflation Reduction Act

Status of issues outstanding

8. The discussions on the following issues have not yet been concluded:
 - Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed
 - Directive 2012/27/EU on energy efficiency,

- Directive (EU) 2018/844 of the European Parliament and of the Council of 30 May 2018 amending Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency
- Commission Regulations (EU) 2017/460 of 16 March 2017, (EU) 2015/703 of 30 April 2015, (EU) 2017/459 of 16 March 2017 and (EU) No 312/2014 of 26 March 2014 on gas Network Codes
- Commission Regulation (EU) 2016/631 of 14 April 2016 establishing a network code on requirements for grid connection of generators
- Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (REMIT)
- Commission Delegated Regulation (EU) No 244/2012 of 16 January 2012 supplementing Directive 2010/31/EU of the European Parliament and of the Council on the energy performance of buildings by establishing a comparative methodology framework for calculating cost-optimal levels of minimum energy performance requirements for buildings and building elements
- Commission Regulation (EU) 2017/2196 of 24 November 2017 establishing a network code on electricity emergency and restoration
- Council Regulation (EU) No 734/2013 of 22 July 2013 amending Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty
- Directive (EU) 2019/789 of the European Parliament and of the Council of 17 April 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes
- Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC
- Regulation (EU) 2016/1199 of 22 July 2016 amending Regulation (EU) No 965/2012 as regards operational approval of performance-based navigation, certification and

oversight of data services providers and helicopter offshore operations, and correcting that Regulation (HOFO Regulation)

- Regulation (EC) No 391/2009 on common rules and standards for ship inspection survey organizations and related acts (the Ship Inspection Package),
- Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA)
- Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market (“ECN+ Directive”),
- Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union,
- Directive 2014/49/EU of the European Parliament and of the Council of 16 April 2014 on deposit guarantee schemes (recast) - DGS III
- Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (CBE Directive)
- Commission Delegated Regulation (EU) 2019/2122 as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers’ personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market.
- Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing a European Labour Authority, amending Regulations (EC) No 883/2004, (EU) No 492/2011, and (EU) 2016/589 and repealing Decision (EU) 2016/344

- Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC

9. The Joint Committee has reiterated its determination to work towards the rapid conclusion of these issues.

Financial Mechanisms

10. The Agreement on the EEA Financial Mechanism and the Agreement on the Norwegian Financial Mechanism for the period 2014-2021 amounts to total contributions of 1548.1 and 1253.7 million euro, respectively. As of December 2020, Memoranda of Understanding have been signed with Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, and Slovenia.
11. The period of eligibility of expenditures in projects under both Mechanisms runs until April 2024. By May 2021, 97 programmes had been approved by the donors and entered implementation.
12. Negotiations on a new period of the financial contribution of the EEA EFTA States to reduce the economic and social disparities in the EEA were launched on 16 June 2022.

