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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	15 December 2022
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2022) 743 final
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (Cybersecurity Centre)

Delegations will find attached document COM(2022) 743 final.

Encl.: COM(2022) 743 final



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ANNEX

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to the

Proposal for a

COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union, within the EEA Joint
Committee concerning an amendment to Protocol 31 to the EEA Agreement, on
cooperation in specific fields outside the four freedoms**

(Cybersecurity Centre)

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

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres¹.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2023,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Protocol 31 to the EEA Agreement, the following point shall be inserted after point 7 (trans-European telecommunications networks):

- ‘8. (a) The EFTA States shall, as from 1 January 2023, participate in the activities which may result from the following act:
- (1) **32021 R 0887**: Regulation (EU) 2021/887 of the European Parliament and of the Council of 20 May 2021 establishing the European Cybersecurity Industrial, Technology and Research Competence Centre and the Network of National Coordination Centres (OJ L 202, 8.6.2021, p. 1).
 - (b) The EFTA States shall participate fully in the Governing Board and shall have the same rights and obligations within it as EU Member States, except for the right to vote.
 - (c) Nationals of the EFTA States shall be eligible as members of the Strategic Advisory Group.
 - (d) By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants of the European Union, nationals of the EFTA

¹ OJ L 202, 8.6.2021, p. 1.

States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Competence Centre.

- (e) By way of derogation from Articles 12(2)(e), 82(3)(e) and 85(3) of the Conditions of Employment of Other Servants of the European Union, the languages referred to in Article 129(1) of the Agreement shall be considered by the Competence Centre, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.
- (f) The EFTA States shall grant privileges and immunities to the Competence Centre and its staff equivalent to those contained in the Protocol on Privileges and Immunities of the European Union.
- (g) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of Regulation (EU) 2021/696, apply to any documents of the Competence Centre regarding the EFTA States as well.
- (h) By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.’

Article 2

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

It shall apply from 1 January 2023.

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

[...]

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

Joint Declaration by the Contracting Parties
to Decision No .../... incorporating Regulation (EU) 2021/887 of the European
Parliament and of the Council into the Agreement

The parties acknowledge that the incorporation of this act is without prejudice to the direct application of Protocol 7 on the privileges and immunities of the European Union to the nationals of EFTA states in the territory of each Member State of the European Union, pursuant to Article 11 of that Protocol.