

PROGRESS REPORT

Subject: Progress Report by the EEA Joint Committee to the 39th meeting of the EEA Council

Decision making

1. The EEA Joint Committee has adopted 131 Joint Committee Decisions (JCDs) incorporating 238 legal acts since the EEA Council of 26 November 2012. In 2012, 233 JCDs incorporating 486 legal acts were adopted, which is the highest number of acts adopted since 1999.
2. The EEA Joint Committee continued the implementation of the joint process by the EEA EFTA States and the European External Action Service (EEAS) launched in October 2011 to further improve the incorporation of acquis into the EEA Agreement. The threefold aim was:
i) to reduce the number of EEA-relevant legal acts adopted on the EU side that had not been incorporated into the Agreement; ii) to reduce the time period between the entry into force of acts on the EU side and on the EEA EFTA side; and iii) to ensure that legal acts with constitutional requirements on the EEA EFTA side entered into force within the six-month period foreseen by the EEA Agreement.

3. Regarding the first point, the substantial efforts made to reduce the number of outstanding legal acts to be incorporated into the EEA Agreement have continued since the last EEA Council. A list of outstanding legal acts where the compliance date in the EU has passed has been updated regularly in order to better monitor progress in this area. As of 3 May 2013, there were 406 outstanding legal acts where the compliance date in the EU had passed (including 142 acts with a compliance date prior to the end of December 2011), compared to 544 acts on 9 December 2011.
4. Regarding the second point, 83 legal acts adopted by the EU in 2012 were incorporated into the EEA Agreement the same year. This demonstrates an improvement in the management of these new acts with their timely incorporation into the Agreement (average of 7 months, 3 months in some cases)
5. Regarding the third point, the number of JCDs awaiting the fulfilment of constitutional requirements where the six-month period foreseen by Article 103 has expired has been substantially reduced since the last EEA Council and stood at 5 on 3 May 2013, compared to 15 on 16 November 2012.
6. Important decisions taken by the EEA Joint Committee since the 38th meeting of the EEA Council include the following:
 - Decision No 202/2012 on substances that deplete the ozone layer
 - Decision No 217/2012 on the labelling of energy-related products
 - Decision Nos 234-236/2012 related to the EU Emissions Trading System (ETS)
 - Decision No 7/2013 on radio interference (electromagnetic compatibility) of vehicles
 - Decision No 26/2013 on export ban of mercury
 - Decision No 45/2013 on stage II petrol vapour recovery during the refuelling of motor vehicles at service stations
 - Decision No 48/2013 on the list of air carriers that are subject to an operating ban
 - Decision No 49/2013 on cosmetic products

Decision shaping

7. The EEA EFTA States participated in 20 EU programmes and 18 agencies, of which 13 were regulatory agencies and five executive agencies.

8. Since the last EEA Council the EEA Joint Committee has taken note of EEA EFTA Comments on the following subjects:
 - Periodic roadworthiness test for motor vehicles and their trailers
 - Revision of the "Blue Guide" to the EU legislation on industrial products
 - Enforcement of the Posting of Workers Directive in the framework of the provision of services
 - Collective management of copyright and related right and multi-territorial licensing of rights in musical works for online users in the Internal Market
 - New SOLVIT recommendation
 - Electronic identification and trust services for electronic transactions in the Internal Market
 - Occurrence reporting in civil aviation

Briefings in the Joint Committee

9. Briefings on the following subjects were provided in the EEA Joint Committee:
 - Notifications from Iceland regarding the revision of protective measures under Article 43 of the EEA Agreement
 - Commission Blueprint for a deep and genuine economic and monetary policy

Status of outstanding issues

10. Outstanding issues concerning the processing of the Data Retention Directive, the Directive on the Deposit Guarantee Scheme, the Regulation on Novel Foods and Novel Food Ingredients, the Third Package for the Internal Energy Market, legislation in the field of financial services including the Regulations establishing the European Supervisory Authorities, the remaining part of the TELECOM package including the Regulation establishing the Body of European Regulators for Electronic Communications (BEREC), the Third Postal Directive and the Regulation on Medicinal Products for Paediatric Use, as well as the Marine Strategy Framework Directive, have not yet been resolved. The Joint Committee has reiterated its determination to work towards the rapid conclusion of these issues.

Financial Mechanisms

11. The key results in 2012 from the EEA Financial Mechanism and the Norwegian Financial Mechanism 2004-2009 period underline that funding has had a positive impact at local level by bringing about specific reductions in disparities, in particular where EU funding is limited. Results show that nearly 90% of the selected projects were completed as planned and 87% of projects exhibited good quality for the grant money spent.
12. For the period 2009-2014, EUR 988.5 million have been set aside under the EEA Financial Mechanism and an additional EUR 800 million under the Norwegian Mechanism to contribute to reducing economic and social disparities in 15 EU countries in Central and Southern Europe and to strengthening bilateral relations. By the end of April 2013, 93 programmes had been approved by the donors compared with some 20 by the end of September 2012. Programmes and projects under both Financial Mechanisms 2009-14 may be implemented until 2016.

13. The Commission, being responsible for screening all programme proposals for their compatibility with EU cohesion policy, has by the end of April 2013 received 137 proposals of an expected total number of 147 programmes. The Commission consent of 122 programmes has been given, whereas 15 programmes are still subject to inter-service consultations.
14. Throughout 2012 there was a particular focus on ensuring strong bilateral ties between actors in the beneficiary and donor countries. Bilateral funds for common activities and initiatives were set up in many beneficiary countries. By the end of April 2013, 49 programmes had a donor programme partner under the EEA Financial Mechanism and an additional 40 programmes under the Norwegian Mechanism, involving 26 different entities from Iceland, Liechtenstein and Norway. The Council of Europe is also a partner in a number of programmes.
15. In 2012 there has also been a strong focus on promoting fundamental rights and democratic values. This has included efforts to combat discrimination and hate speech, and promote tolerance and multicultural awareness.