

EEE 1603/12

## **PROGRESS REPORT**

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Subject: Progress Report by the EEA Joint Committee to the 37th meeting of the EEA Council

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### **Decision-making**

1. Since the last EEA Council on 15 November 2011, the EEA Joint Committee adopted 142 Joint Committee Decisions incorporating 289 legal acts.
2. As of 9 December 2011, 544 acts were identified for which the compliance date in the EU has passed. For this purpose, an exceptional effort is being deployed in conjunction with the EU side in order to clear this backlog by June 2012, including through holding an extraordinary Joint Committee meeting on 30 April 2012. As of 30 April 2012, 60% of the outstanding legal acts have been submitted as draft Joint Committee decisions to the EU side, and 17 Joint Committee decisions awaited fulfilment of constitutional requirements where the six months period foreseen by Article 103 had expired.
3. Important decisions taken by the EEA Joint Committee since the last EEA Council on 11 November include the following:
  - Decision 162/2011 on renewable energy
  - Decisions 163, 164 and 165/2011 on European air travel safety
  - Decision 135/2011 on frequency bands for third-generation /high-speed mobile service
  - Decision 6/2012 Framework Directive on motor vehicles
  - Decision No 62/2012 Maritime Safety Directive
  - Decision 64/2012 Airport charges Directive

## **Decision-shaping**

4. EEA EFTA experts continued to contribute to the work of the Commission's advisory groups, clusters, peer learning activities, Working Groups, Agencies and Committees. Since November 2011, eight EEA EFTA Comments were taken note of by the EEA Joint Committee:
- EFTA TBT Committee Comment on the proposal from the Commission for a Regulation on European Standardisation, Com (2011) 315
  - EEA EFTA Comment on the Commission proposal for a Directive of the European Parliament and the Council on certain permitted uses of Orphan Works, COM (2011) 289
  - EEA EFTA Comment on Commission Proposals on Credit Institutions and Investment Firms, COM (2011) 452, and CRD IV COM (2011) 453
  - EEA EFTA Comment on the Proposed EU Programme for Education, Training, Youth and Sport, "Erasmus for All" (2014-2020)
  - EEA EFTA Comment on the Public Consultation of the European Commission on measures for improving the recognition of prescriptions issued in another Member State
  - EEA EFTA Comment on Horizon 2020
  - EEA EFTA Comment on the proposal for a Regulation of the European Parliament and of the Council on administrative cooperation through the Internal Market Information System ('IMI')
  - EEA EFTA Comment on the Commission proposals for two new directives on public procurement replacing Directives 2004/17/EC and 2004/18/EC (COM(2011) 895 and COM(2011) 896)

## **Briefings in the Joint Committee**

5. No briefing was provided by either side in the Joint Committee.

## Status of outstanding issues

6. The EEA EFTA States continued discussions with the EU side on how to ensure that the significant volume of legislation being adopted in the EU in the financial services field is dealt with and included in the EEA Agreement. Both sides continued to agree on the need to ensure the timely incorporation of the above-mentioned legislation, including the Regulations establishing the European Supervisory Authorities, on which, to date, limited progress has been noted. The Joint Committee expressed the hope that an understanding could be reached soon on the appropriate form of participation of the EEA EFTA States' relevant authorities in the European Systemic Risk Board (ESRB).
7. The Joint Committee noted the importance of the Third Package for the Internal Energy Market and that important work on derived legislation was currently ongoing in the new bodies, the Agency for the Cooperation of Energy Regulators (ACER) and the European Network(s) for Transmission System Operators (ENTSOs). Since the EEA EFTA States were already well integrated in the Internal Energy Market, the Joint Committee underlined the importance of ensuring appropriate EEA EFTA participation in the new bodies in line with the Third package and the EEA Agreement.
8. The Joint Committee noted that the Directive on charging of heavy goods vehicles (2006/38/EC), the Audiovisual Media Services Directive (2007/65/EC) and the Temporary Agency Work Directive (2008/104/EC) would be incorporated into the EEA Agreement in the coming months.
9. The outstanding issues concerning the processing of the Data Retention Directive (2006/24/EC), the Directive on Deposit Guarantee Scheme (2009/14/EC), the Regulation on Novel Foods and Novel Food Ingredients (n°258/1997), the remaining part of the TELECOM package including the Regulation establishing the Body of European Regulators for Electronic Communications (BEREC) (n° 1211/2009), the Third Postal Directive (2008/6/EC) and the Regulation on medicinal products for paediatric use (n° 1901/2006) had not yet been solved. The Joint Committee reiterated the expectation for a rapid conclusion of this process.

## **Participation in programmes**

10. The EEA EFTA States participate in and co-finance EEA relevant EU programmes. With programmes playing a key role in contributing to smart, sustainable and inclusive growth in Europe, it is important to include the EEA EFTA States in all EEA relevant programmes.

## **Financial Mechanisms 2004-2009 and 2009-2014**

11. The implementation of projects under both, the EEA Financial Mechanism as well as the Norwegian Financial Mechanism for the period 2004-2009 closed on 30 April 2012. An independent review shows that results achieved have been high, that bilateral partnerships have been important and that the Financial Mechanisms have contributed to reducing disparities. Around 97% of awarded projects were implemented, and the financial absorption is expected to reach around 90% of the grants awarded.
12. By end-March 2012, priority areas for funding under both Financial Mechanisms for the period 2009-2014 were agreed with all 15 beneficiary states. Programmes and projects will be implemented until 2016. Environmental funding accounts for more than a third in both grant schemes.
13. Bilateral cooperation will be considerable, with about half of all programmes to be implemented in partnership with entities from Iceland, Liechtenstein or Norway, and bilateral funds available to spur networking and facilitate partnership projects.
14. Under the EEA Financial Mechanism, environment and climate change represents 36.5 % of the funding, while funds for civil society will be set up in all countries and account for 15 % of the EEA Financial Mechanism. Human and social development, cultural heritage, research and scholarships are also supported.
15. Under the Norwegian Financial Mechanism, carbon capture and storage represents 23% and green industry innovation 12.4% of the funding. Justice and home affairs and a global fund for decent work and tripartite dialogue are other priorities specific for the Norwegian Financial Mechanism, and there is funding in the areas of human and social development, research and scholarships.