



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2012

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PROPOSAL

from:	European Commission
dated:	25 May 2012
No Cion doc.:	COM(2012) 232 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 Annex XX (Environment) to the EEA Agreement

Delegations will find attached a proposal from the Commission, submitted under a covering letter from Mr Jordi AYET PUIGARNAU, Director, to Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union.

Encl.: COM(2012) 232 final



EUROPEAN COMMISSION

Brussels, 25.5.2012
COM(2012) 232 final

2012/0115 (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 Annex XX (Environment) 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 Union legislation into the EEA Agreement as soon as possible after its adoption.

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 Annex XX (Environment) to the EEA Agreement.

More concretely, this amendment aims to incorporate certain Commission regulations implementing Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE).

Directive 2007/2/EC was incorporated into the Agreement by EEA Joint Committee Decision (JCD) No 55/2010 of 30 April 2010.¹ The Decision entered into force on 1 July 2011.

Commission Decision 2009/442/EC implementing Directive 2007/2/EC as regards monitoring and reporting and Commission Regulation (EC) No 1205/2008 implementing Directive 2007/2/EC as regards metadata were incorporated into the Agreement by EEA JCD No 124/2010 of 10 November 2010.² This Decision also entered into force on 1 July 2011.

JCD No 55/2010 contains adaptations in relation to certain time limits set under Directive 2007/2/EC. The adaptations indicate that those time limits will run from either the date of entry into force of the JCD incorporating the corresponding implementing rules (JCD No 124/2010) or the date of entry into force of JCD No 55/2010.

The EFTA States explained that if the adaptation text foreseen in EEA JCD No 55/2010 is maintained and a similar one is provided for in relation to the new EU acts to be incorporated, the actions to be carried out by the EFTA States would no longer be in the same chronological and logical order as those by the EU Member States.

In order to remedy this situation, the EFTA States consider that it would be necessary to refer to all dates and time limits set in the relevant EU acts rather than to the date of entry into force of the EEA JCDs. Furthermore, in order to take into account the fact that JCD No 55/2010 was adopted three years after the Directive itself, the EFTA States consider it appropriate that an additional period of three years is added to all related dates and time limits set in the relevant EU acts.

¹ OJ L 181, 15.7.2010, p. 23.

² OJ L 58, 3.3.2011, p. 82.

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.

Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union in the EEA Joint Committee concerning an amendment to Annex XX (Environment) 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 192(1) in conjunction with 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) Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services² is to be incorporated into the EEA Agreement.
- (2) Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions³ is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services⁴ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament⁵ is to be incorporated into the EEA Agreement.

¹ OJ L 305, 30.11.1994, p. 6.

² OJ L 274, 20.10.2009, p. 9.

³ OJ L 83, 30.3.2010, p. 8.

⁴ OJ L 323, 8.12.2010, p. 1.

⁵ OJ L 323, 8.12.2010, p. 11.

- (5) Commission Regulation (EU) No 102/2011 of 4 February 2011 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services⁶ is to be incorporated into the EEA Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EEA Joint Committee on the proposed amendment to Annex XX (Environment) 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*

⁶ OJ L 31, 5.2.2011, p. 13.

ANNEX

DECISION OF THE EEA JOINT COMMITTEE

No

of

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...¹.
- (2) Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services² is to be incorporated into the EEA Agreement.
- (3) Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions³ is to be incorporated into the EEA Agreement.
- (4) Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services⁴ is to be incorporated into the EEA Agreement.
- (5) Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament⁵ is to be incorporated into the EEA Agreement.
- (6) Commission Regulation (EU) No 102/2011 of 4 February 2011 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services⁶ is to be incorporated into the EEA Agreement,

HAS ADOPTED THIS DECISION:

¹ OJ L ...

² OJ L 274, 20.10.2009, p. 9.

³ OJ L 83, 30.3.2010, p. 8.

⁴ OJ L 323, 8.12.2010, p. 1.

⁵ OJ L 323, 8.12.2010, p. 11.

⁶ OJ L 31, 5.2.2011, p. 13.

Article 1

Annex XX to the Agreement shall be amended as follows:

1. The text of adaptations (a) and (b) of point 1j (Directive 2007/2/EC of the European Parliament and of the Council) shall be replaced by the following:

- ‘(a) With regard to the EFTA States, the time limits set in Articles 6(a), 6(b) and 7(3) shall be understood to include an additional period of three years.
- (b) With regard to the EFTA States, the dates mentioned in Articles 21(2), 21(3) and 24(1) shall be understood to include an additional period of three years.’

2. The following adaptation shall be added in point 1jb (Commission Decision 2009/442/EC):

‘The provisions of the Decision shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) With regard to the EFTA States, the year mentioned in Article 11(2) second sub-paragraph shall be the same as the year mentioned in Article 18, as adapted for the EFTA States.
- (b) With regard to the EFTA States, the date mentioned in Article 18 shall be understood to include an additional period of three years.’

3. The following shall be inserted after point 1jb (Commission Decision 2009/442/EC):

‘1jc. **32009 R 0976**: Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services (OJ L 274, 20.10.2009, p. 9), as amended by:

- 32010 R 1088: Commission Regulation (EU) No 1088/2010 of 23 November 2010 (OJ L 323, 8.12.2010, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

With regard to the EFTA States, the dates mentioned in Article 4 shall be understood to include an additional period of three years.

1jd. **32010 R 0268**: Commission Regulation (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions (OJ L 83, 30.3.2010, p. 8).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

With regard to the EFTA States, the time limits set in Article 8 shall be understood to include an additional period of three years.

1je. 32010 R 1089: Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11), as amended by:

- 32011 R 0102: Commission Regulation (EU) No 102/2011 of 4 February 2011 (OJ L 31, 5.2.2011, p. 13).’

Article 2

The texts of Commission Regulations (EC) No 976/2009, (EU) No 268/2010, (EU) No 1088/2010, (EU) No 1089/2010 and (EU) No 102/2011, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on , provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 4

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.]