

EEE 1608/12

PROGRESS REPORT

Subject: Progress Report by the EEA Joint Committee to the 38th meeting of the EEA Council

Decision-making

1. Since the last EEA Council on 14 May 2012, the EEA Joint Committee adopted 101 Joint Committee Decisions incorporating 201 legal acts.
2. The substantial efforts to reduce the number of outstanding legal acts to be incorporated into the EEA Agreement have continued since the last EEA Council on 14 May 2012. A List of outstanding legal acts where the compliance date in the EU is passed has been established, and is regularly updated in order to better monitor progress in this area. As of 13 November 2012, there were 417 legal acts for which the compliance date in the EU has passed that had not been incorporated into the EEA Agreement (including 169 acts for which the compliance date in the EU had expired before December 2011), compared with the 544 acts which had been identified on 9 December 2011. The number of Joint Committee Decisions awaiting fulfilment of constitutional requirements, where the six months period foreseen by Article 103 had expired, has been reduced slightly from 17 at the time of the last EEA Council on 14 May 2012 to 15 as of 16 November.

3. Important decisions taken by the EEA Joint Committee since the last EEA Council on 14 May 2012 include the following :
- Decision 181/2012 on consumer rights
 - Decisions 173/2012 on roaming
 - Decision 152/2012 on the revised Emission Trading Scheme (ETS)
 - Decision 129/2012 on the Eurovignette Directive
 - Decision 126/2012 on the New Legislative Framework for goods ('Goods Package')
 - Decision 64/2012 on the classification, labelling and packaging of chemicals
 - Decision 109/2012 on the Audio Visual Media Services (AVMS) 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 the last EEA Council on 14 May 2012, six EEA EFTA Comments were taken note of by the EEA Joint Committee :
- EEA EFTA Comment on the Consultation on the review of the auction time profile for the EU Emissions Trading System
 - EEA EFTA Comment on the Commission's proposal for a Regulation on a Common European Sales Law
 - EEA EFTA Comment on the partial general approach on the Programme for the Competitiveness of enterprises and SMEs (COSME) 2014-2020, as agreed during the Competitiveness Council meeting on 30 May 2012
 - EEA EFTA Comment on the Proposal for a Directive amending Directive 2005/36/EC on the recognition of professional qualifications
 - EEA EFTA Comment on the Commission's Communication on "A coherent framework to build trust in the Digital single market for e-commerce and online services"
 - EEA EFTA Comment on the Commission's Proposal for a Directive on Alternative Dispute Resolution and the Commission's Proposal for a Regulation on Online Dispute Resolution

Briefings in the Joint Committee

5. The European Commission provided a briefing on the Single Market Act II.

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 framework for financial markets on which, to date, limited progress has been noted due to the complexity of the issues raised by the specific roles and powers the European Supervisory Authorities are vested with. Nevertheless, the Joint Committee agreed to the importance of engaging in a constructive and result oriented dialogue to find a mutually acceptable solution allowing for the incorporation of the relevant acts into the EEA Agreement.
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 outstanding issues concerning the processing of the Data Retention Directive (2006/24/EC), the Directive on Deposit Guarantee Scheme (2009/14/EC), the Regulations on Novel Foods and Novel Food Ingredients (n°258/1997) and GM Food and Feed (n°1829/2003) , 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) have not yet been solved. The Joint Committee reiterated the expectation for a conclusion of this process in the coming months.

Participation in programmes

9. 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

10. The implementation of projects under the Financial Mechanisms 2004-09 closed on 30 April 2012. An end-review concluded that the mechanisms contributed to reducing economic and social disparities at the local level, that more than one third of the funding targeted disadvantaged regions and vulnerable groups, and that partnerships established between donor state and beneficiary state entities were important and even fundamental to many projects.
11. In the period 2009-14, the EEA Financial Mechanism amounts to EUR 988.5 million and the Norwegian Financial Mechanism amounts to EUR 800 million. By end-of September 2012, some 20 supported programmes had been approved. Programmes and projects under the Financial Mechanisms 2009-14 may be implemented until 2016.
12. The EEA and Norwegian Financial Mechanisms aim to strengthen bilateral relations between the EEA EFTA States and the 15 EU countries benefiting from the funding. A total of 26 public entities from Iceland, Liechtenstein and Norway have engaged in strategic partnerships with Programme Operators in 86 programmes to be implemented across the 15 countries. The Council of Europe contributes to a number of programmes. The EEA EFTA States have engaged the Transparency International Secretariat in Berlin to develop tools to strengthen risk management and assess corruption risks.