



Council of the  
European Union

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## PROPOSAL

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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 6 November 2017

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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No. Cion doc.: COM(2017) 638 final

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Subject: Proposal for a COUNCIL DECISION on the position to be adopted, on  
behalf of the European Union, within the EEA Joint Committee concerning  
amending the rules of procedure of the EEA Joint Committee

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Delegations will find attached document COM(2017) 638 final.

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Encl.: COM(2017) 638 final



Brussels, 6.11.2017  
COM(2017) 638 final

2017/0280 (NLE)

Proposal for a

## **COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union,  
within the EEA Joint Committee concerning amending the rules of procedure  
of the EEA Joint Committee**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The two draft Decisions of the EEA Joint Committee (annexed to the proposed Council Decision) aim to amend the rules of procedure of the EEA Joint Committee in order to add Bulgarian, Romanian and Croatian languages.

The first draft EEA Joint Committee Decision in **Annex 1** aims to address the Bulgarian and Romanian languages. Following the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area<sup>1</sup> signed on 25 July 2007 in Brussels, Article 129(1) of the EEA Agreement was amended to add Bulgarian and Romanian to the list of languages of the EEA Agreement. However these two languages should also be added to the list of languages in the rules of procedure of the EEA Joint Committee.

Since the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area, signed on 25 July 2007 in Brussels, already entered into force on 9 November 2011, this EEA Joint Committee Decision can therefore enter into force once adopted by the EEA Committee.

The second draft EEA Joint Committee Decision in **Annex 2** aims to address the Croatian language. The Agreement on the participation of the Republic of Croatia in the European Economic Area (“the 2014 EEA Enlargement Agreement”), signed on 11 April 2014 in Brussels already amends Article 129(1) of the EEA Agreement to add Croatian to the list of languages of the EEA Agreement. The rules of procedure of the EEA Joint Committee, should therefore be amended accordingly.

As the 2014 EEA Enlargement Agreement has been provisionally applicable to its signatories since 12 April 2014, this EEA Joint Committee Decision is to apply provisionally pending the entry into force of the 2014 EEA Enlargement Agreement.

- **Consistency with existing policy provisions in the policy area**

Not Applicable

- **Consistency with other Union policies**

Not Applicable

### 2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 1(3) of Council Regulation (EC) No 2894/94<sup>2</sup> concerning arrangements for implementing the EEA Agreement provides that the Council establishes the position

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<sup>1</sup> OJ L 221, 25.8.2007, p. 15.

<sup>2</sup> OJ L 305, 30.11.1994, p. 6–8

to be adopted on the Union's behalf on such Decisions, on a proposal from the Commission.

The Commission in cooperation with the EEAS submits the draft Decisions 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.

- **Subsidiarity (for non-exclusive competence)**

Not Applicable

- **Proportionality**

Not Applicable

- **Choice of the instrument**

In conformity with Article 98 of the EEA Agreement, the chosen instrument is the EEA Joint Committee decision. The EEA Joint Committee shall ensure the effective implementation and operation of the EEA Agreement. To this end, it shall take decisions in the cases provided for in the EEA Agreement.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Collection and use of expertise**

Not applicable

- **Impact assessment**

Not applicable

### **4. BUDGETARY IMPLICATIONS**

There are no budgetary implications.

### **5. OTHER ELEMENTS**

Not applicable

Proposal for a

## COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union,  
within the EEA Joint Committee concerning amending the rules of procedure  
of the EEA Joint Committee**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1) in conjunction with Article 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 Area<sup>3</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area<sup>4</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Following the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area<sup>5</sup> signed on 25 July 2007 in Brussels, Article 129(1) of the EEA Agreement was amended to add Bulgarian and Romanian to the list of languages of the EEA Agreement.
- (3) The Agreement on the participation of the Republic of Croatia in the European Economic Area<sup>6</sup> ("the 2014 EEA Enlargement Agreement") signed on 11 April 2014 in Brussels, amends Article 129(1) of the EEA Agreement to add Croatian to the list of languages of the EEA Agreement.
- (4) The rules of procedure of the EEA Joint Committee, which were adopted by Decision of the EEA Joint Committee No 1/94 of 8 February 1994<sup>7</sup> and amended by Decision of the EEA Joint Committee No 24/2005 of 8 February 2005<sup>8</sup>, should therefore be amended accordingly.

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<sup>3</sup> OJ L 305, 30.11.1994, p. 6.

<sup>4</sup> OJ L 1, 3.1.1994, p. 3.

<sup>5</sup> OJ L 221, 25.8.2007, p. 15.

<sup>6</sup> OJ L ...

<sup>7</sup> OJ L 85, 30.3.1994, p. 60.

<sup>8</sup> OJ L 161, 23.6.2005, p. 54.

- (5) The 2014 EEA Enlargement Agreement has been provisionally applicable to its signatories since 12 April 2014, and the corresponding Decision of the EEA Joint Committee should therefore apply provisionally pending the entry into force of the 2014 EEA Enlargement Agreement.
- (6) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decisions,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendments to the rules of procedure of the EEA Joint Committee, shall be based on the draft decisions of the EEA Joint Committee attached to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council  
The President*