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PROPOSAL

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

date of receipt: 19 September 2014

To: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No. Cion doc.: COM(2014) 577 final

Subject: Proposal for a COUNCIL DECISION on the position to be adopted, on
behalf of the European Union, in the EEA Joint Committee concerning an
amendment to Protocol 31 to the EEA Agreement, on cooperation in
specific fields outside the four freedoms (Copernicus programme)

Delegations will find attached document COM(2014) 577 final.

Encl.: COM(2014) 577 final



EUROPEAN
COMMISSION

Brussels, 19.9.2014
COM(2014) 577 final

2014/0266 (NLE)

Proposal for a

COUNCIL DECISION

**on the position to be adopted, on behalf of the European Union,
in the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA
Agreement, on cooperation in specific fields outside the four freedoms
(Copernicus programme)**

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 EU legislation into the EEA Agreement as soon as possible after its adoption.

Article 78 of the EEA Agreement provides that the Contracting Parties shall strengthen and broaden cooperation in the framework of the Union's activities in the fields of, inter alia, environment, and research and technological development.

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 Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms in order to extend the cooperation of the Contracting Parties in the area of environment, and research and technological development.

In order to extend the cooperation of the Contracting Parties to the EEA Agreement in this area (to take place from 1 January 2014), Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010¹ needs to be incorporated into the EEA Agreement through the above mentioned amendment.

It should be noted that Norway and Liechtenstein decided not to participate in this programme. Norway is considering starting its participation as of 2015.

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.

The Decision of the EEA Joint Committee should serve also as the agreement of the Parties, pursuant to Article 1(8) of Protocol 32 to the EEA Agreement, to commence the cooperation under Regulation (EU) No 377/2014 from 1 January 2014, even if this EEA Joint Committee Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee Decision, if any, is notified after 10 July 2014.

¹ OJ L 122, 24.4.2014, p. 44.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189(2) 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 Area², and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area³ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement ('Protocol 31').
- (3) Protocol 31 contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 377/2014⁴.
- (5) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) No 377/2014 commence from 1 January 2014 even if the EEA Joint Committee Decision annexed to this Decision is adopted, or if the fulfilment of constitutional requirements for this EEA Joint Committee Decision, if any, is notified after 10 July 2014.

² OJ L 305, 30.11.1994, p. 6.

³ OJ L 1, 3.1.1994, p. 3.

⁴ Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010, OJ L 122, 24.4.2014, p. 44.

- (6) Entities established in the EFTA States should be entitled to participate in activities which start before the entry into force of the EEA Joint Committee Decision annexed to this Decision. The costs incurred for such activities, the implementation of which starts after 1 January 2014, may be considered eligible under the same conditions as those applicable to costs incurred by entities established in the EU Member States provided that the EEA Joint Committee Decision enters into force before the end of the action concerned.
- (7) Protocol 31 should therefore be amended accordingly.
- (8) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, 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 date of its adoption.

Done at Brussels,

*For the Council
The President*