



EUROPEAN COMMISSION

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Proposal for a

COUNCIL DECISION

**on the position to be taken by 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**

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 and also allow for the participation of the EEA EFTA States in EEA relevant EU actions, activities or programmes.

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*, social policy.

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 to include cooperation in the framework of the European Year for Active Ageing and Solidarity between Generations (2012).

By virtue of Article 79 (3), and without prejudice to Article 80 of the EEA Agreement, Part VII (Institutional Provisions) of the Agreement shall partly apply to this cooperation.

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.

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**on the position to be taken by the European Union in the EEA Joint Committee
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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 Articles 153(2) and 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) Protocol 31 to the Agreement on the European Economic Area, (hereinafter referred to as "the EEA Agreement") contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms,
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012),
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2012,
- (4) The position of the Union within the EEA Joint Committee should be based on the attached draft Decision,

¹

OJ L 305, 30.11.1994, p. 6.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the EEA Joint Committee on the proposed amendment to Protocol 31 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*

ANNEX

Draft (05/03/2012)

DECISION OF THE EEA JOINT COMMITTEE No

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

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 Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...¹.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012)².
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Article 5 of Protocol 31 shall be amended as follows:

1. Paragraph 5 shall be replaced by the following:

‘5. The EFTA States shall participate in the Community programmes and actions referred to in the first two indents of paragraph 8 as from 1 January 1996, in the programme referred to in the third indent as from 1 January 2000, in the programme referred to in the fourth indent as from 1 January 2001, in the programmes referred to in the fifth and sixth indents as from 1 January 2002, in the programmes referred to in the seventh and eighth indents as from 1 January 2004, in the programmes referred to in the ninth, tenth and eleventh indents as from 1 January 2007, in the programme referred to in the twelfth indent as from 1 January 2009 and in the programme referred to in the thirteenth indent as from 1 January 2012.’

¹ OJ L ...

² OJ L 246, 23.9.2011, p. 5.

2. The following indent shall be added in paragraph 8:
 - ‘- **32011 D 0940:** Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012) (OJ L 246, 23.09.2011, p. 5).’

Article 2

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement*.

It shall apply from 1 January 2012.

Article 3

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*

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[No constitutional requirements indicated.] [Constitutional requirements indicated.]