DECISION OF THE EEA JOINT COMMITTEE

No 72/2015

of 20 March 2015

amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms [2016/755]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

(1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ([1]).

(2) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Council Regulation (EU) No 1261/2013 of 2 December 2013 amending Regulation (EC) No 723/2009 concerning the Community legal framework for a European Research Infrastructures Consortium (ERIC) ([2]).

(3) Protocol 31 to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is inserted after paragraph 11 of Article 1 of Protocol 31 to the EEA Agreement:

'12. (a) The Contracting Parties shall seek to strengthen cooperation in the framework of activities which may result from the following Community act:

— **32009 R 0723**: Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) (OJ L 206, 8.8.2009, p. 1), as amended by:

— **32013 R 1261**: Council Regulation (EU) No 1261/2013 of 2 December 2013 (OJ L 326, 6.12.2013, p. 1).

(b) Article 5(1)(d) of Regulation (EC) No 723/2009 refers to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax and Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, which are not incorporated into the Agreement. These references shall therefore only be relevant in the application of Article 5(1)(d) and be without prejudice to the scope of the Agreement.

(c) The EFTA States shall participate fully, without the right to vote, in all the Community committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).'

([1]) OJ L 206, 8.8.2009, p. 1.
([2]) OJ L 326, 6.12.2013, p. 1.

Article 2

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

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, 20 March 2015.

For the EEA Joint Committee
The President
Gianluca GRIPPA

(*) Constitutional requirements indicated.