

DECISION OF THE EEA JOINT COMMITTEE**No 165/2003****of 7 November 2003****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 47/2000 of 22 May 2000 ⁽¹⁾.
- (2) The cooperation of the Contracting Parties to the Agreement was extended by Decision of the EEA Joint Committee No 47/2000 of 22 May 2000 to support, for the duration of five years, measures aimed at reducing the economic and social disparities between the regions with a view to promoting a continuous and balanced strengthening of trade and economic relations between the Contracting Parties. For that purpose, a Financial Instrument was established for the period 1999 to 2003.
- (3) Clause 10(2) of Appendix 4 (EEA Financial Instrument — Modalities of implementation) to Protocol 31 to the Agreement states that the beneficiary State is to propose the project outline to the Commission and the Financial Instrument Committee in pre-consultation to validate the idea.
- (4) The Committee should, following a reasoned request from a beneficiary State, have the possibility to waive the pre-consultation phase where such a waiver can be justified on the basis of objective criteria,

HAS DECIDED AS FOLLOWS:

Article 1

Clause 10 of Appendix 4 (Financial Instrument — Modalities of implementation) to Protocol 31 to the Agreement is amended as follows:

1. the following is added to paragraph 2:

'The Committee may waive the requirement of pre-consultation, following a reasoned request from the beneficiary State and based on objective criteria.;

2. the first sentence in paragraph 3 is replaced by the following:

'In case of a positive outcome of the pre-consultation or in case such pre-consultation has been waived, project promoter asks the EIB to appraise the project.'

⁽¹⁾ OJ L 174, 13.7.2000, p. 59.

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 (*).

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, 7 November 2003.

For the EEA Joint Committee
The President
HSH PRINZ NIKOLAUS von LIECHTENSTEIN

(*) No constitutional requirements indicated.