

DECISION OF THE EEA JOINT COMMITTEE

No 140/2012

of 13 July 2012

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 122/2012 of 15 June 2012 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ⁽²⁾.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to the field of sport.
- (4) Regulation (EC) No 401/2009 repeals Council Regulation (EEC) No 1210/90 ⁽³⁾ which is incorporated into the Agreement and which is consequently to be repealed under the Agreement.
- (5) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 31 to the Agreement shall be amended as follows:

- (1) paragraph 2 of Article 3 of Protocol 31 to the Agreement shall be replaced by the following:
 - '(a) The EFTA States shall participate fully in the European Environment Agency, hereinafter referred to as the "Agency", and the European Environment Information and observation network, as set up in Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network ^(*).
 - (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1) and Protocol 32 of the Agreement.

- (c) The EFTA States shall, in consequence of (b), participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the scientific committee of the Agency.
- (d) The term "Member State(s)" and other terms referring to their public entities contained in Articles 4 and 5 of the Regulation shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their public entities.
- (e) Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the EFTA States as it is afforded within the Community.
- (f) The Agency shall have legal personality. It shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (g) EFTA States shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities.
- (h) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

- (i) By virtue of Article 79(3), Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (j) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of Regulation (EC) No 401/2009, apply to any documents of the Agency regarding the EFTA States as well.

^(*) OJ L 126, 21.5.2009, p. 13.;

- (2) the heading of Article 4 (Education, training and youth) shall be replaced by the following:

'Education, training, youth and sport'.

⁽¹⁾ OJ L 270, 4.10.2012, p. 46.

⁽²⁾ OJ L 126, 21.5.2009, p. 13.

⁽³⁾ OJ L 120, 11.5.1990, p. 1.

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, 13 July 2012.

For the EEA Joint Committee
The President
Ate LEIKVOLL

(*) No constitutional requirements indicated.