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2010/0068 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted in the EEA Joint Committee

concerning an amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (ISA)

EXPLANATORY MEMORANDUM

1. Protocol 31 to the EEA Agreement contains specific provisions on the cooperation between the European Union and the EEA EFTA States outside the four freedoms.

2. The draft Decision of the EEA Joint Committee, annexed to the proposed Council Decision, aims to modify Protocol 31 by extending the cooperation of the Contracting Parties to the Agreement to include Decision 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA)[1], with effect from 1 January 2010. The EFTA States shall participate fully, without the right to vote, in the EEA relevant parts of the Committee on interoperability solutions for European public administrations (the ISA Committee), which assists the European Commission in the implementation, management and development of that programme, as far as the EEA relevant project parts of the programme are concerned.

3. 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.

4. 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.

[1] OJ L 260, 3.10.2009, p. 20.

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Proposal for a

COUNCIL DECISION

on the position to be adopted in the EEA Joint Committee

concerning an amendment of Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) Protocol 31 to the EEA Agreement contains specific provisions on the cooperation between the European Union and the EEA EFTA States outside the four freedoms.

(2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA)[3], with effect from 1 January 2010. The EFTA States shall participate fully, without the right to vote, in the EEA relevant parts of the Committee on interoperability solutions for European public administrations (the ISA Committee), which assists the European Commission in the implementation, management and development of that programme, as far as the EEA relevant project parts of the programme are concerned.

(3) It is necessary, therefore, to amend Protocol 31,

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[2] OJ L 305, 30.11.1994, p. 6.
[3] OJ L 260, 3.10.2009, p. 20.

HAS DECIDED AS FOLLOWS:

Sole Article

The position to be adopted by the EEA Joint Committee on an envisaged amendment of Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms is laid down in the Annex to this Decision.

Done at Brussels,

For the Council
The President

ANNEX

Draft

DECISION OF THE EEA JOINT COMMITTEE
No

of

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 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA)[2].

(3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place with effect from 1 January 2010,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 31 to the Agreement shall be amended as specified in the Annex to this Decision.

[1] OJ L …
[2] OJ L 260, 3.10.2009, p. 20.

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 2010.

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

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

ANNEX

to Decision of the EEA Joint Committee No …/…

Article 17 (Telematic interchange of data) of Protocol 31 to the Agreement shall be amended as follows:

(a) In paragraph 1 the words 'paragraph 5(a)' and 'paragraph 5(b)' shall be replaced by 'paragraph 6(a)' and 'paragraph 6(b)'.

(b) The following subparagraph shall be inserted in paragraph 1:

'The EFTA States shall, as from 1 January 2010, participate in the projects and activities of the programme of the Union referred to in paragraph 6(c), to the extent that these projects and activities support other cooperation of the Contracting Parties.'

(c) In paragraph 2 the words 'paragraph 5' shall be replaced by 'paragraph 6'.

(d) In paragraph 3 the words 'paragraph 5(a)' shall be replaced by 'paragraph 6(a)'.

(e) In paragraph 4 the words 'paragraph 5(b)' shall be replaced by 'paragraph 6(b)'.

(f) Paragraph 5 shall be renumbered as paragraph 6.

(g) The following paragraph shall be inserted after paragraph 4:

'5. The EFTA States shall, as from the start of cooperation in the programme referred to in paragraph 6(c), participate fully, without the right to vote, in the EEA relevant parts of the Committee on interoperability solutions for European public administrations (the ISA Committee), which assists the European Commission in the implementation, management and development of that programme, as far as the EEA relevant project parts of the programme are concerned.'

(h) The following shall be added at the end of paragraph 6:

'(c) with a view to participation as from 1 January 2010:

- **32009 D 0922**: Decision No. 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) (OJ L 260, 3.10.2009, p. 20).'