EUROPEAN COMMISSION

Brussels, 24.3.2010
COM(2010)109 final

2010/0060 (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

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 with the objective of having the Contracting Parties encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories so as to provide for the participation of stakeholders from EEA EFTA States in the SESAR project, including activities of the SESAR Joint Undertaking as set up in Council Regulation (EC) No 219/2007 of 27 February 2007.

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.

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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 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[1], 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) In view of the incorporation of the legislative package on the Single European Sky into the Agreement, and of the key role of the SESAR project for the future development of the implementing measures within that field, and in view of the participation by the EFTA States in the public financing of the project through the 7th Framework programme on Research and Development, it is appropriate to encourage suitable cooperation between the Contracting Parties to the Agreement in matters covered by the activities of the SESAR Joint Undertaking as set up in Council Regulation (EC) No 219/2007 of 27 February 2007[2], so as to encourage participation of stakeholders from the EFTA States in the SESAR project.

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

[1] OJ L 305, 30.11.1994, p. 6.
[2] OJ L 64, 2.3.2007, p. 1.

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) In view of the incorporation of the legislative package on the Single European Sky into the Agreement, and of the key role of the SESAR project for the future development of the implementing measures within that field, and in view of the participation by the EFTA States in the public financing of the project through the 7th Framework programme on Research and Development, it is appropriate to encourage suitable cooperation between the Contracting Parties to the Agreement in matters covered by the activities of the SESAR Joint Undertaking as set up in Council Regulation (EC) No 219/2007 of 27 February 2007[2], so as to encourage participation of stakeholders from the EFTA States in the SESAR project.

(3) 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

The following paragraph shall be inserted after paragraph 8 in Article 1 (Research and technical development) of Protocol 31 to the Agreement:

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1 OJ L …
2 OJ L 64, 2.3.2007, p. 1.

‘8a. The Contracting Parties shall encourage appropriate cooperation between the competent organisations, institutions and other bodies in their respective territories so as to encourage participation of stakeholders from the EFTA States on equal terms as those from the EU Member States in the SESAR project, including activities of the SESAR Joint Undertaking in accordance with its basic Regulation[(1)].

The EFTA States participate fully, except for the right to vote, in the EC Single European Sky committee which assists the EU Commission in the management, development and implementation of the activities of the SESAR Joint Undertaking.

([1]) 32007 R 0219: Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) (OJ L 64, 2.3.2007, 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, .

For the EEA Joint Committee
The President

The Secretaries
to the EEA Joint Committee

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