2026/1511

2.7.2026

COUNCIL DECISION (EU) 2026/1511

of 25 June 2026

on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms (EDIP Regulation)

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(1), Article 173(3), Article 212(2) and Article 322(1), in conjunction with Article 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 European Commission,

Whereas:

(1) The Agreement on the European Economic Area [2] (the 'EEA Agreement') entered into force on 1 January 1994.

(2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee is able to amend, inter alia, Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms.

(3) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) 2025/2643 of the European Parliament and of the Council [3].

(4) Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms should therefore be amended accordingly.

(5) It is therefore appropriate to establish the position to be adopted on the Union's behalf within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the EEA Joint Committee concerning the proposed amendment to Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 25 June 2026.

For the Council

The President

M. PANAYIOTOU

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[1] OJ L 305, 30.11.1994, p. 6, ELI: http://data.europa.eu/eli/reg/1994/2894/oj.

[2] OJ L 1, 3.1.1994, p. 3, ELI: http://data.europa.eu/eli/agree_internation/1994/1/oj.

[3] Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP Regulation') (OJ L, 2025/2643, 29.12.2025, ELI: http://data.europa.eu/eli/reg/2025/2643/oj).

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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 (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 Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP Regulation') ([1]).

(2) It is appropriate that the participation of EFTA States in the activities resulting from Regulation (EU) 2025/2643 commence from 1 January 2026, irrespective of the date of adoption of this Decision and irrespective of whether the fulfilment of constitutional requirements for this Decision, if any, is notified after 10 July 2026.

(3) Entities established in EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for such activities, the implementation of which starts from 1 January 2026, can be considered eligible under the same conditions as those applicable to costs incurred by entities established in Union Member States, provided that this Decision enters into force before the end of the action concerned.

(4) The conditions for participation of EFTA States and their institutions, undertakings, organisations and nationals in programmes of the Union are set out in the EEA Agreement, and in particular in Article 81 thereof.

(5) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2026,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is added after paragraph 16 of Article 7 of Protocol 31 to the EEA Agreement:

'17. The EFTA States shall, as from 1 January 2026, participate in the Union actions related to the following act and budget lines, entered into the general budget of the European Union:

— **32025 R 2643**: Regulation (EU) 2025/2643 of the European Parliament and of the Council of 16 December 2025 establishing the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ("EDIP Regulation") (OJ L, 2025/2643, 29.12.2025).

— **Budget line 13 01 06**: "Support expenditure for the European Defence Industry Programme".

— **Budget line 13 08 01**: "European Defence Industry Programme".

The costs incurred for activities the implementation of which starts from 1 January 2026 or, where the conditions referred to in Article 7(4) of Regulation (EU) 2025/2643 are fulfilled, from 5 March 2024, may be considered eligible as from the starting date of the action fixed in the grant agreement or the grant decisions concerned, under the conditions set out therein, provided that Decision of the EEA Joint Committee [This Decision] enters into force before the end of the action.

([1]) OJ L, 2025/2643, 29.12.2025, ELI: http://data.europa.eu/eli/reg/2025/2643/oj.

Iceland and Liechtenstein shall be exempt from participation in, and from the financial contribution to, the European Defence Industry Programme. This paragraph shall therefore not apply to Iceland and Liechtenstein.

By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.

The term "Member State(s)" and other terms referring to Member States' public entities contained in Chapter VII of Regulation (EU) 2025/2643 shall be understood to include, in addition to their meaning in Regulation (EU) 2025/2643, EFTA States and their public entities.

The applicable provisions of Regulation (EU) 2025/2643 are listed below and shall, for the purposes of the Agreement, be read with the following adaptations:

(i) Only the following provisions of Regulation (EU) 2025/2643 shall apply:

Articles 1 to 21, 35 to 77 and 79 to 86.

(ii) In Article 72(1), the words "or, as regards undertakings established in the EFTA States, the EFTA Surveillance Authority by way of decision," shall be inserted after the words "implementing acts,".

(iii) In Articles 72(2) and 72(3) and in Articles 73, 74 and 75 the words "or, as regards the EFTA States, the EFTA Surveillance Authority" shall be inserted after the words "the Commission" and "The Commission".

(iv) In Article 72(4), the words "The EFTA States shall determine the allocation of the amounts of the fines collected by the EFTA Surveillance Authority." shall be inserted after the words "Support Instrument.".

(v) In Article 73(5) and Article 74(5), point (b), the words "or the EFTA Court" shall be inserted after the words "the Court of Justice of the European Union".'.

Article 2

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

It shall apply from 1 January 2026.

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.]

Declaration by the EFTA States to Decision No […/…] of … amending Protocol 31 to the EEA Agreement to extend the cooperation of the Contracting Parties to include the participation of the EFTA States in the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products established by Regulation (EU) 2025/2643

[for adoption with the Decision and for publication in the OJ]

This Decision extends the cooperation of the Contracting Parties to include the participation of the EFTA States in the European Defence Industry Programme and a framework of measures to ensure the timely availability and supply of defence products ('EDIP'). The EFTA States consider that defence matters fall outside the scope of the EEA Agreement, and therefore that the adoption of this Decision does not extend the scope of the EEA Agreement to include defence matters beyond the participation in EDIP. The EFTA States also stress that Iceland and Liechtenstein are not participating in, and shall therefore not be required to financially contribute to, EDIP.