



Brussels, 22.4.2015  
COM(2015) 171 final

2015/0088 (NLE)

Proposal for a

**COUNCIL DECISION**

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

## EXPLANATORY MEMORANDUM

### **1. CONTEXT OF THE PROPOSAL**

In order to ensure the requisite legal security and homogeneity of the Internal Market, the EEA Joint Committee is to integrate all the relevant EU legislation into the EEA Agreement as soon as possible after its adoption.

Article 78 of the EEA Agreement provides that the Contracting Parties shall strengthen and broaden cooperation in the framework of the Union's activities in the fields of, inter alia, environment, and research and technological development.

### **2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS**

The draft Decision of the EEA Joint Committee (annexed to the proposed Council Decision) aims to amend Protocol 31 to the EEA Agreement on cooperation in specific fields outside the four freedoms in order to extend the cooperation of the Contracting Parties in the area of environment, and research and technological development.

The cooperation of the EEA Contracting Parties was already extended to include the Copernicus Programme by EEA JCD No 249/2014 of 13 November 2014<sup>1</sup>. A reference to Regulation (EU) No 377/2014 establishing the Copernicus Programme was therefore included in Article 1(8d) of Protocol 31 to the EEA Agreement. The modalities of the cooperation foreseen between the EEA Contracting Parties in that regard were also provided under the relevant provision of Protocol 31 EEA.

Pursuant to point (e) of Article 1(8d) of Protocol 31, Norway and Liechtenstein are exempted from participation in the Copernicus Programme. Norway has however now lifted the impediments to its participation. Therefore, the relevant provisions setting out the participation of the EFTA States to the Programme shall also apply to Norway and the reference to Norway in point (e) is deleted.

It should be noted that Norway requested to commence its participation in the Copernicus Programme retrospectively from 1 January 2014. The financial contribution to Copernicus relating to the financial year 2014 will be added to the contribution relating to the financial year 2015 and included in the call for funds 2015. In this context, the Norwegian parliament already tentatively approved the relevant funds.

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

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.

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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<sup>1</sup> [not yet published]

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(Copernicus)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189(2) 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<sup>2</sup>, 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<sup>3</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) The cooperation of the Contracting Parties to the EEA Agreement was extended to include Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010<sup>4</sup> by Decision of the EEA Joint Committee No 249/2014 of 13 November 2014<sup>5</sup>.
- (5) This cooperation should be extended to Norway, under the conditions provided for in Protocol 31 to the EEA Agreement, whose participation should therefore commence from 1 January 2014.
- (6) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2014.
- (7) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft Decision,

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<sup>2</sup> OJ L 305, 30.11.1994, p. 6.

<sup>3</sup> OJ L 1, 3.1.1994, p. 3.

<sup>4</sup> OJ L 122, 22.4.2014, p. 44.

<sup>5</sup> OJ L [not yet published]

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the European Union, within the EEA Joint Committee on 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 Brussels,

*For the Council  
The President*