



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.5.2007
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Draft

DECISION OF THE EEA JOINT COMMITTEE

**amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside
the four freedoms**

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Protocol 31 to the EEA Agreement contains specific provisions on the cooperation between the Community and the EEA EFTA States outside the four freedoms.
2. The attached draft Decision of the EEA Joint Committee aims to modify Protocol 31 to extend cooperation in the field of Transport and mobility. It provides a framework for cooperation and sets out the modalities for full participation of the EEA EFTA States in the Community programmes and actions in this field, with effect from 1st January 2007 by incorporating:
 - **32006 R 1692**: Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second ‘Marco Polo’ programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) and repealing Regulation (EC) No 1382/2003
3. Article 1.3(b) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for such Decisions on a proposal from the Commission.
4. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft

DECISION OF THE EEA JOINT COMMITTEE

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 Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second ‘Marco Polo’ programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) and repealing Regulation (EC) No 1382/2003², as corrected by OJ L 65, 3.3.2007, p. 12.
- (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 2007.
- (4) Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme)³, as amended, is currently included under Article 3 (Environment) of Protocol 31 to the Agreement.
- (5) It is more correct to refer to Regulation (EC) No 1382/2003 under the heading “Transport and mobility” and therefore Regulation (EC) No 1382/2003 should be moved to Article 12 of Protocol 31 to the Agreement,

¹ OJ L ...
² OJ L 328, 24.11.2006, p. 1.
³ OJ L 196, 2.8.2003, p. 1.

HAS DECIDED AS FOLLOWS:

Article 1

1. Article 12 of Protocol 31 to the Agreement shall be amended as follows:
 - (i) The text of paragraph 2 shall be renumbered as paragraph 4 and replaced by the following:

‘The EFTA States shall contribute financially to the actions and programmes referred to in paragraphs 1, 2 and 3 in accordance with Article 82 (1) (a) of the Agreement.’
 - (ii) The following paragraphs shall be inserted as new paragraphs 2 and 3:
 - ‘2. The EFTA States shall, with effect from 1 January 2004, participate in the following programme:
 - **32003 R 1382**: Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1), as amended by:
 - **32004 R 0788**: Regulation (EC) No 788/2004 of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 17).
 3. The EFTA States shall, with effect from 1 January 2007, participate in the following programme:
 - **32006 R 1692**: Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second ‘Marco Polo’ programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) and repealing Regulation (EC) No 1382/2003 (OJ L 328, 24.11.2006, p. 1), as corrected by OJ L 65, 3.3.2007, p. 12.’
 - (iii) The following paragraph shall be inserted after new paragraph 4:
 - ‘5. The EFTA States shall participate fully in the EC committees which assist the EC Commission in the management, development and implementation of the Community programmes referred to in paragraphs 2 and 3.’
2. The text of paragraph 7(c) in Article 3 of Protocol 31 shall be deleted.

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 2007.

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.]