



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.5.2008
SEC(2008) 1913 final

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**

(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 Research and Technological Development. It provides a framework for cooperation and sets out the modalities for full participation of the EEA EFTA States in the European Institute of Innovation and Technology by incorporating:

32008 R 0294: Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology (OJ L 97, 9.4.2008, p. 1).
3. Article 1.3 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. The Commission would hope to be able to put forward the position of the Community in the EEA Joint Committee at the earliest possible opportunity.

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 Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology².
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be inserted after paragraph 10 of Article 1 of Protocol 31 to the Agreement:

- ‘11. (a) The EFTA States shall participate fully in the European Institute of Innovation and Technology, hereinafter referred to as the “Institute”, as set up by the following Community act:

¹ OJ L ...

² OJ L 97, 9.4.2008, p. 1.

32008 R 0294: Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology (OJ L 97, 9.4.2008, p. 1).

- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The EFTA States shall apply to the Institute and to its staff the Protocol of Privileges and Immunities of the European Communities.
- (d) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Institute.
- (e) By virtue of Article 79(3) of the Agreement Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (f) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Institute regarding the EFTA States as well.’

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.]