



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.10.2009
SEC(2009) 1382 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**

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 revised draft Decision of the EEA Joint Committee aims to modify Protocol 31 to extend cooperation in the field of Social Policy. It provides a framework for the participation of the EEA EFTA States in the European Agency for Safety and Health at Work including in particular provisions on the financial contribution of the EEA EFTA States, as well as the modalities for their participation in the Governing Board established by the regulation, i.e. full participation except for the right to vote, by incorporating:

31994 R 2062: Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1), as amended by:

- **31995 R 1643:** Council Regulation (EC) No 1643/95 of 29 June 1995 (OJ L 156, 7.7.1995, p. 1),
- **32003 R 1654:** Council Regulation (EC) No 1654/2003 of 18 June 2003 (OJ L 245, 29.9.2003, p. 38),
- **32005 R 1112:** Council Regulation (EC) No 1112/2005 of 24 June 2005 (OJ L 184, 15.7.2005, p. 5).

This draft has already been presented to the Council and the common position adopted by the Council on 15.5.2009 (SEC (2009)646). For technical reasons it was not possible for the EEA Joint Committee to adopt it in time for the proposed date of application of 1.1.2009. The Council is therefore requested to approve this revised draft, to apply from 1.1.2010.

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, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft

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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 Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work², as amended by Council Regulations (EC) Nos 1643/95³, 1654/2003⁴ and 1112/2005⁵.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2010,

HAS DECIDED AS FOLLOWS:

Article 1

The following paragraph shall be inserted after paragraph 10 of Article 5 of Protocol 31 to the Agreement:

- ‘11. (a) The EFTA States shall participate fully in the European Agency for Safety and Health at Work, hereinafter referred to as the “Agency”, as set up by the following Community act:

¹ OJ L ...
² OJ L 216, 20.8.1994, p. 1.
³ OJ L 156, 7.7.1995, p. 1.
⁴ OJ L 245, 29.9.2003, p. 38.
⁵ OJ L 184, 15.7.2005, p. 5.

- **31994 R 2062**: Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1), as amended by:
 - **31995 R 1643**: Council Regulation (EC) No 1643/95 of 29 June 1995 (OJ L 156, 7.7.1995, p. 1),
 - **32003 R 1654**: Council Regulation (EC) No 1654/2003 of 18 June 2003 (OJ L 245, 29.9.2003, p. 38),
 - **32005 R 1112**: Council Regulation (EC) No 1112/2005 of 24 June 2005 (OJ L 184, 15.7.2005, p. 5).
- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) and Protocol 32 of the Agreement.
- (c) The EFTA States shall participate fully in the Governing Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.
- (d) The EFTA States shall, within six months from the entry into force of Decision of the EEA Joint Committee No .../... of ... inform the Agency of the main component elements of their national health and safety at work information networks provided for in Article 4 of Regulation (EC) No 2062/94, as subsequently amended.
- (e) The EFTA States shall in particular, within the period laid down in (d), designate the institutions for coordinating and/or transmitting the information to be supplied at national level to the Agency.
- (f) The EFTA States shall also inform the Agency of the names of institutions established in their national territory which are able to cooperate with it on certain topics of particular interest and thus to act as topic centres of the network.
- (g) Within three months of receiving the information referred to in (d), (e) and (f), the Governing Board shall review the main elements of the network to take account of the participation of the EFTA States.
- (h) The Agency shall have legal personality. It shall enjoy in all the states of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (i) The EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities.
- (j) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Agency.

- (k) By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (l) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission shall, for the application of Regulation (EC) No 2062/94, apply to any documents of the Agency 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*.

It shall apply from 1 January 2010.

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.]