



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.6.2004  
SEC(2004) 792 final

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 energy/support to energy efficiency and renewable energy in developing countries (COOPENER), within the multiannual programme “Intelligent Energy- Europe” (2003-2006), established by Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003. It thus provides the legal basis for the EEA EFTA States to participate in the Community programmes and actions in the COOPENER field, as from 1 January 2004.

The present draft Joint Committee Decision should be seen in connection with EEA Joint Committee Decision 164/2003, adopted in November 2003, which incorporated all other elements of the multi-annual programme “Intelligent Energy-Europe” (2003-2006) into the EEA Agreement. The “COOPENER” element was delayed for technical reasons, which is the reason behind this additional draft Joint Committee Decision.

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 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No .../... of ...<sup>1</sup>.
- (2) Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: “Intelligent Energy – Europe” (2003-2006)<sup>2</sup> was incorporated into the Agreement by Decision of the EEA Joint Committee No 164/2003 of 7 November 2003<sup>3</sup>.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include the programme's specific field “COOPENER” and actions pursuant thereto.
- (4) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2004,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following indent shall be added in paragraph 2e of Article 14 of Protocol 31 to the Agreement:

- ‘- As from 1 January 2004 the EFTA States shall participate in the specific field “COOPENER” and actions pursuant thereto in the Community programme referred to in paragraph 5(g).’

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<sup>1</sup> OJ L [...], [...], p. [...].

<sup>2</sup> OJ L 176, 15.7.2003, p. 29.

<sup>3</sup> OJ L 41, 12.2.2004, p. 67.

*Article 2*

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\*.

It shall apply from 1 January 2004.

*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*

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\* [No constitutional requirements indicated.] [Constitutional requirements indicated.]