



Brussels, 26.2.2013  
COM(2013) 99 final

2013/0056 (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**

## 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.

Art. 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, social policy.

### 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 include cooperation concerning free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.

This concerns participation of EFTA EEA states in the actions funded from the following budget lines, entered in the general budget of the European Union for the financial year 2013:

- **Budget line 04 01 04 08:** "Free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries – Expenditure on administrative management",
- **Budget line 04 03 05:** "Free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries"

### 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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**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**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles- 46 and 48, 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>1</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>2</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 thereto.
- (3) Protocol 31 to the EEA Agreement contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to the actions funded from the 04 01 04 08 and 04 03 05 budget lines for the financial year 2013.
- (5) Protocol 31 to the EEA Agreement should therefore be amended accordingly.
- (6) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

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<sup>1</sup> OJ L 305, 30.11.1994, p. 6.

<sup>2</sup> OJ L 1, 3.1.1994, p. 3.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement 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 day of its adoption.

Done at Brussels,

*For the Council  
The President*

**Annex**

**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 (“the EEA Agreement”), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include cooperation concerning free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2013,

HAS ADOPTED THIS DECISION:

*Article 1*

Paragraphs 5 and 12 of Article 5 of Protocol 31 to the EEA Agreement shall be amended as follows:

The words “year 2012” are replaced by “years 2012 and 2013”.

*Article 2*

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement\*.

It shall apply from 1 January 2013.

*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*.

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

Done at Brussels, .

*For the EEA Joint Committee*

*The President*

*The Secretaries  
to the EEA Joint Committee*