



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 8.11.1999
COM(1999) 561 final

99/0223 (AVC)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 2894/94 concerning arrangements for
implementing the Agreement on the European Economic Area**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Since the establishment of the European Economic Area, the participation of the EEA-EFTA States in Community programmes has become a well-established practice. However, their participation from the beginning of a particular programme can often not be realised as the necessary procedures can only be started after adoption of the programme in the EU.
2. The lengthy procedures that delay EEA-EFTA participation are particularly detrimental for the creation of consortia including partners from those countries. The delay also leads to budgetary uncertainty.
3. The EEA-EFTA States' participation is usually anticipated already at the preparatory stage of a new programme and the establishing act frequently recalls that fact. A budgetary contribution is also anticipated. The participation is always based on the existing provisions of the EEA Agreement. It is highly exceptional to meet with a need for special arrangements. In these circumstances the requirement for the Council to adopt the Community position merely reiterates the position laid down in the establishing act, unnecessarily adding to the pressure on the work of the Council committees.
4. According to Regulation (EC) No 2894/94 concerning arrangements for implementing the Agreement on the European Economic Area, the Community's position regarding EEA-EFTA participation in programmes is adopted by the Council. This is true even in cases where the act establishing the programme already indicates that EEA-EFTA participation will be welcome, and when participation follows the established practice. In contrast with programmes, the Community's position regarding extension of legislative acts without substantive adaptations is adopted by the Commission.
5. In order to improve the efficiency of the management of the EEA Agreement, to reduce budgetary uncertainty and to facilitate EEA-EFTA participation in programmes, the Council is invited to adopt the attached proposed Regulation, which extends to programmes the practice that is already in force as regards the simple extension of legislation. As the Regulation (EC) No 2894/94 is based on Article 310 (ex Article 238), the assent of the Parliament is required.

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 2894/94 concerning arrangements for
implementing the Agreement on the European Economic Area**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas Community legislative acts concerning the Community programmes should enter into force in the EEA as soon as possible after their date of entry into force in the Community; whereas it is appropriate to this end to enable the Commission to extend such programmes to the EEA and to amend Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area¹ accordingly,

HAS ADOPTED THIS REGULATION:

¹ OJ L 305, 30.11.1994, p. 6.

Article 1

Article 1(2) of Regulation (EC) No 2894/94 shall be replaced by the following:

‘The Commission shall adopt the Community’s position regarding EEA Joint Committee decisions which

- (a) simply extend acts of Community legislation to the EEA, subject to any technical adjustments needed;
- (b) extend Community programmes to the EEA, provided that the act which establishes the programme lays down that the programme is open to the participation of the EEA-EFTA States and that participation is in accordance with the terms of Part VI and financial participation in accordance with Article 82(1)(a) of the EEA Agreement.’

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Council
The President*