



EEA DECISION-SHAPING AND COMITOLGY

Decision-shaping is the preparatory phase undertaken by the European Commission to draw up new legislative proposals. Given that the EEA EFTA States have no formal access to EU decision-making (see chapter on EEA Decision-making); it is all the more important for them to get involved in the decision-shaping process of the Union.

The EEA Agreement contains provisions for input from the EEA EFTA side at various stages of the preparation of EEA-relevant legislation. Input can take the form of participation of EEA EFTA experts in EC committees or the submission of EEA EFTA comments, and the adoption of resolutions in response to initiatives from the Commission.

Community legislation to be incorporated into the EEA Agreement originates from different procedures on the EU side, e.g. **the Council/European Parliament legislative procedure** or the **comitology procedures** (see chapter on EEA Decision-making). The EEA EFTA States have the possibility to provide input at various stages of both procedures.

▼ Involvement of EEA EFTA experts in EU policy-shaping

As the main initiator of Community legislation, the Commission is responsible for the preparatory work leading to draft proposals. For this purpose, advice is often sought from experts of the Member States. EEA EFTA influence on the shaping of legislation is significant at this pre-pipeline stage, as the EEA Agreement provides for rather extensive participation of **EFTA experts** in the preparatory work of the Commission. According to Article 99(1) EEA, the Commission “shall informally seek advice from experts of the EFTA States” in the same manner as from EU experts when new legislation is being drawn up in an area covered by the Agreement. The Commission invites experts on the basis of their professional qualifications. They are not considered representatives of individual States. In practice, the Commission may seek advice by phone or correspondence or in meetings. EEA EFTA experts may also be associated with the preparatory work of the Commission through committee meetings on a regular basis.

▼ Participation of EEA EFTA experts in Commission committees

In addition to the meetings of the experts mentioned above, the EEA EFTA States have access to the following types of Commission committees: comitology committees (Article 100 EEA); programme committees (Article 81 EEA); and other committees (Article 101 EEA) in very specific areas.

The **comitology committees** assist the Commission in the exercise of its executive powers where the Council and the European Parliament have authorised the Commission to establish subsidiary legislation to enact a broader piece of legislation that they have introduced (Comitology procedure – see chapter on EEA Decision-making).

The **programme committees** are responsible for the development and management of the Community programmes outside the four freedoms (e.g. flanking areas – see chapter on the Internal Market).

EEA EFTA States are also entitled to participate in **committees in specific areas**. These areas are listed in Protocol 37 to the EEA Agreement.

EFTA participation in EU committees has two main dimensions. First, it ensures a certain flow of information, which is not only necessary for determining whether or not a certain piece of legislation should be incorporated into the EEA Agreement, but also for enabling the EEA EFTA States to implement such legislation in a timely manner. Secondly, as regards decision-shaping, participation in committees may be seen as a means to influence the development of legislation (acquis) and the management of EU programmes.

▼ EEA EFTA Comments

EEA EFTA Comments are the typical tool for shaping decisions during the “continuous information and consultation process” in the EEA Joint Committee (Article 99(3) EEA). Normally, EEA EFTA Comments are handed over to the Commission at Subcommittee level, after having been drafted in the relevant working



groups. To be able to present EEA EFTA Comments opportunely, the EFTA side needs to be well informed about developments in the Community. This implies the active gathering and processing of information on the EFTA side.

Some EEA EFTA Comments are of a more **political nature** than others. Regularly, the EEA EFTA States present the European Council (spring summit) with political comments on the follow-up of the Lisbon Strategy. The Lisbon Strategy sets out the objective of making Europe the most competitive economy in the world by 2010. Many elements of the Lisbon Strategy affect the EEA Agreement, and it is therefore a high priority for EEA EFTA countries to participate in relevant parts of the process. This includes the submission of political comments to the spring summit and to other Council of Ministers' meetings discussing issues relevant to the Lisbon Strategy.