

E U R O P E A N E C O N O M I C A R E A

J O I N T P A R L I A M E N T A R Y C O M M I T T E E

40th Meeting

29-30 May 2013, Brussels, Belgium

RESOLUTION

Adopted pursuant to Rules 11 and 13 of the Rules of Procedure,

at the 39th meeting of the Joint Parliamentary Committee

in Brussels

on 30 May 2013

on

Resolution on The future of the EEA and the EU's relations with the small-sized countries and Switzerland

Co-rapporteurs: Paul RÜBIG (EPP, Austria)
 Svein Roald HANSEN (Labour Party, Norway)

adopted unanimously

The Joint Parliamentary Committee of the European Economic Area:

- Having regard to the Agreement on the European Economic Area,
- Having regard to the Report by the Norwegian EEA Review Committee, appointed on 7 January 2010, submitted to the Ministry of Foreign Affairs on 17 January 2012,
- Having regard to the Norwegian Government White Paper, 12 October 2012, to the Storting on the EEA Agreement and Norway's other agreements with the European Union,
- Having regard to the Norwegian Parliament Resolution on the EEA Agreement and other agreements between the EU and Norway, adopted on 9 April 2013,

- Having regard to the Conclusions of the 38th meeting of the EEA Council, adopted on 26 November 2012, and of the 39th meeting, adopted on 21 May 2013,
- Having regard to the EU Council Conclusion on EU relations with the EFTA States, adopted on 20 December 2012,
- Having regard to the EU Council Conclusions on EU relations with the Principality of Andorra, the Republic of San Marino and the Principality of Monaco, adopted on 20 December 2012,
- Having regard to the European Commission staff working document entitled “A Review of the Functioning of the European Economic Area” SWD (2012) 425 final,
- Having regard to the study commissioned by the Government of Liechtenstein entitled “The EEA Review and Liechtenstein’s Integration Strategy”, published in March 2013,
- Having regard to the European Parliament Resolution of 7 February 2013 on Governance of the Single Market,
- Having regard to the European Parliament Resolution of April 2013 on the 2012 Progress Report on Iceland,
- Having regard to the European Parliament Resolution of 7 September 2010 on EEA-Switzerland: Obstacles with regard to the full implementation of the Internal Market,
- Having regard to its Resolution on Future Perspectives for the European Economic Area, adopted on 4 November 2008,
- Having regard to its Resolution on the Review of the EEA, adopted on 4 May 2012,
- Having regard to its Resolution on EEA EFTA States’ participation in EU agencies, adopted on 27 November 2012,

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- A. Whereas the EEA comprises 27 Member States with over 500 million citizens on the EU side and three Member States with around 5.5 million citizens on the EEA EFTA side,
- B. Whereas the EEA Agreement is the most far-reaching and comprehensive instrument to extend the EU’s Internal Market to third countries, while at the same time ensuring the integrity of that market,
- C. Whereas the European Single Market has brought tremendous benefits to the citizens in the EU and the EEA EFTA States, whilst opening up new opportunities for businesses, especially small and medium-sized enterprises,

- D. Whereas the EEA Agreement is an important driver for economic growth and employment in the EEA,
- E. Whereas nearly 500 acts were incorporated into the EEA Agreement in 2012,

Overall assessment

1. Highlights that there is a solid consensus both on the EU side and on the EEA EFTA side that the EEA Agreement has served the parties well, by allowing Iceland, Liechtenstein and Norway to participate in the Single Market to the benefit of citizens and businesses of all 30 EEA States;
2. Notes that the EEA Agreement in its main articles has remained virtually unchanged since its entry into force in 1994; notes at the same time that it has been uniquely dynamic in character, continuously incorporating new legal acts into its annexes;
3. Considers that the Agreement has proved to be a sufficiently flexible and durable in a changing environment;
4. Believes that at the current stage improvements to the functioning of the EEA Agreement should be introduced through institutional streamlining within the existing framework of the Agreement;

Strengthening parliamentary scrutiny

5. Urges the EU and the EEA EFTA States to enhance the involvement of the European Parliament and the national parliaments of the EEA EFTA States in their review of the EEA Agreement, in particular by regular reporting and by making available the relevant information at an early stage;
6. Proposes that the EEA Council and/or the EEA Joint Committee prepare a written response to the resolutions adopted by the EEA Joint Parliamentary Committee (JPC), including a reply to the requests made in the resolutions and an overview regarding the action(s) that the EEA Council and/or the EEA Joint Committee have taken or intend to take, to be submitted well in advance of the following JPC meeting;
7. Believes that strengthened parliamentary scrutiny of the EEA Agreement by the EEA JPC will reduce the perceived “democratic deficit” of the Agreement;

Backlog, including outstanding issues

8. Insists that it is essential that Internal Market legislation is applied as close to simultaneously as possible on both sides of the EEA;
9. Highlights that there are around 400 EEA-relevant legal acts where incorporation into the EEA Agreement is pending;

10. Commends the recent joint efforts by the EEA EFTA and the EU sides to improve the processing of EEA-relevant EU acquis into the EEA Agreement, which have yielded positive results;
11. Notes the reduction in the number of EEA EFTA notifications of Joint Committee Decisions for which the constitutional requirements have exceeded the six-month period stipulated in the EEA Agreement;
12. Considers that the incorporation of EEA-relevant EU legal acts can be accelerated by further streamlining the administrative procedures at all stages of the incorporation process;
13. Urges the parties to continue their joint efforts to reduce the number of pending legal acts;
14. Regrets that the outstanding issues concerning the processing of the Third Postal Directive, the Data Retention Directive, the Directive on Deposit Guarantee Schemes, the Regulation on Novel Foods and Novel Food Ingredients, the remaining part of the Telecom Package (including the Regulation establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office), the Marine Strategy Framework Directive, the Regulation on Medicinal Products for Paediatric Use and the EU legal acts in the area of organic production, have not yet been resolved, and urges the parties to find a solution to these issues;

Determining the EEA relevance of Single Market rules

15. Considers that the determination of which EU legislation should be incorporated into the EEA Agreement is becoming less predictable for the parties, and is concerned that this may lead to additional delays in the incorporation of EEA-relevant legislation;
16. Maintains that it is important to achieve greater predictability in the definition of EEA relevance of new legislative proposals;

Single Market governance

17. Highlights that the EEA review needs to take into account the developments in the Single Market, notably in relation to the transposition, implementation and monitoring of Single Market legislation;
18. Welcomes recent efforts to strengthen the governance of the Single Market, which include tackling transposition delays, with a “zero tolerance target” for directives where transposition is overdue by two years or more; measures taken to ensure correct transposition (reducing the “compliance deficit”); and efforts to reduce the average duration of pending infringement cases;
19. Highlights the increased use of regulations, instead of directives, as the legal instrument for regulating the Single Market;

Agencies

20. Acknowledges the gradual shift of certain competences from the European Commission to a growing number of specialised EU agencies and bodies, and recognises the constitutional challenges that this presents for the EEA EFTA States;
21. Notes that the Norwegian parliament, in its resolution on the EEA Agreement of 9 April 2013, asked for an institutional solution to be explored within the existing two-pillar structure of the EEA Agreement, and that the EEA EFTA States are currently in talks with the EU-side on this;
22. Underlines the importance of participation by the EEA EFTA States in the EU agencies and bodies related to the Internal Market for the successful functioning of the EEA;

Decision shaping

23. Welcomes the EEA EFTA States' contributions to the drafting of EEA-relevant EU legislation and programmes through their participation in the relevant committees, expert groups and agencies, and through the submission of EEA EFTA Comments;
24. Believes that enhanced participation of the EEA EFTA States in the EU decision-making process, particularly in the European Parliament and in the EU Council, would benefit all parties, first by allowing for a reduction in the perceived democratic deficit of the EEA Agreement, and second by enabling the EEA EFTA States to begin preparing for upcoming EEA-relevant legislation at an early stage, thereby speeding up its incorporation at a later stage;
25. Highlights the importance of inviting EEA EFTA Ministers to informal EU ministerial meetings and ministerial conferences relevant to EEA EFTA participation in the Internal Market;
26. Welcomes the good practice on the EU side of inviting officials from the EEA EFTA States to political dialogue meetings at the level of relevant Council working parties;
27. Welcomes the participation of the EEA EFTA national parliaments in the European Parliament's interparliamentary committee meetings on EEA-relevant matters;
28. Welcomes the decision by the EP to allocate to the Norwegian Parliament an office in the premises of the EP in Brussels, which will facilitate even closer and more regular contact between the two parliaments; considers that this model should be actively suggested to other concerned national parliaments;
29. Welcomes the granting of observer status to Norway and Iceland in the Inter-Parliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy;
30. Suggests the European Parliament and Council, in their deliberations on the latest Europol proposal from the Commission (COM(2013) 173 final), to consider a similar status for the national parliaments of the EFTA States in the foreseen parliamentary control of Europol's activities;

Raising awareness

31. Considers that further efforts are necessary to ensure that citizens and businesses throughout the EEA are informed about their rights under the EEA Agreement;
32. Calls on the European Commission to involve the EEA EFTA States closely with the ongoing work on improving Single Market problem-solving mechanisms and information tools, such as SOLVIT;
33. Calls for the establishment of a comprehensive and user-friendly system which would allow stakeholders to follow the processing of EEA-relevant acquis from the moment it is drafted until its adoption;
34. Calls for measures to improve the general awareness of the functioning of the EEA Agreement in the EU institutions;

The EEA and the EU's relations with small-sized countries and Switzerland

35. Welcomes the fact that the EEA Agreement has been an important point of reference in the discussions on the future of EU relations with Andorra, Monaco and San Marino, as well as on the institutional issues between the EU and Switzerland, and considers this to be because the EEA framework is a successful model for allowing third-country participation in the Internal Market;
36. Notes that EEA membership has been identified by the European Commission as one of the two preferred options for the closer integration of Andorra, San Marino and Monaco with the EU;
37. Looks forward to the outcome of the discussion between the EU and the three small-sized countries on their future relations;
38. Welcomes the exploratory discussions between the EU and Switzerland on institutional issues; notes in this context that several Members of the European Parliament openly suggested to establish a joint dispute settlement body, both with Swiss and EU nominated judges, in order to decide in a legally binding manner on possible future disputes;

Miscellaneous

39. Takes due note of the ongoing process of accession negotiations between Iceland and the EU, following the Eighth Intergovernmental Conference in December 2012;
40. Urges for the completion of the procedures to allow Croatia to become a party to the EEA Agreement, as required by Article 128 EEA; and underlines the importance of achieving a simultaneous EU and EEA enlargement;
41. Instructs its President to forward this Resolution to the EEA institutions, the European Commission, the European Parliament and the EEA EFTA Parliaments.

