

EUROPEAN ECONOMIC AREA

JOINT COMMITTEE

Ref. 1112003
1 April 2012
Annexes I, II and III

Annual Report of the EEA Joint Committee 2011 The Functioning of the EEA Agreement (Article 94(4))

General overview

1. The main part of this report provides an overview of the work of the EEA Joint Committee in 2011. Annex I contains a review of the activities of the Subcommittees under the EEA Joint Committee, Annex II contains an overview of the state of decision making in 2011, and Annex III presents a list of EEA Joint Committee Decisions (JCDs) adopted by the EEA Joint Committee in 2011.

2. The EEA Joint Committee met eight times in 2011 and adopted 164 decisions incorporating 373 legal acts.

3. The EEA Joint Committee adopted several significant decisions in 2011, including the following:

- Renewable Energy Directive
- European Aviation Safety Agency (EASA) Regulation
- Modernised social security coordination rules
- Solvency II
- Directive on the equal treatment of self-employed workers
- Waste Framework Directive
- Common rules for the operation of air services in the Community
- MEDIA Mundus
- Framework for the deployment of Intelligent Transport Systems

4. The Commission provided briefings to the Joint Committee on the following topics:

- Resource-efficient Europe flagship initiative
- Maritime Transport Strategy
- Energy Efficiency Plan 2011
- The Single Market Act

5. The EEA EFTA States provided a briefing to the Joint Committee on the EFTA Ministerial meeting.

6. The biannual Internal Market Scoreboard, published by the EFTA Surveillance Authority (ESA) in February 2012, shows that the average transposition deficit of the three EEA EFTA States decreased to the lowest ever rate of 0.5%, significantly below the 1.0% interim target. The transposition deficit of Norway decreased from 1.0% to 0.6%. Iceland reduced its deficit by half to 0.5%, which is Iceland's lowest score ever. The deficit for Liechtenstein decreased slightly to 0.4% and also reached an all-time low. The EU Member States had an average transposition deficit of 1.2%, the same as in the previous scoreboard. It should be noted that the scoreboard refers exclusively to the legal acts already incorporated into the agreement.

Issues of particular focus in 2011

7. The following topics were of particular significance in 2011: The Audiovisual Media Services (AVMS) Directive, the revised Emissions Trading Scheme (ETS), the Europe 2020 Strategy, the Single Market Act and the processing of acquis in the EEA Agreement.

Audiovisual Media Services Directive

8. The EEA EFTA States and the Commission continued discussions on the incorporation of the AVMS Directive into the EEA Agreement, which the Commission had brought to the attention of the Joint Committee in 2010. The directive entered into force in the EU in December 2009.

Revised Emissions Trading Scheme

9. The EEA EFTA experts held several meetings with the Commission on specific issues relating to the EEA EFTA States' participation in the revised ETS. EEA EFTA and EU experts are still scrutinising the Directive on the revised scheme as well as several other acts linked to it. All parties need to complete various tasks and the new provisions need to be incorporated into the Agreement in 2012 in order to ensure that the system will become operational throughout the entire EEA as of 1 January 2013.

Europe 2020 Strategy

10. By February 2011, all of the seven flagship initiatives under the Europe 2020 Strategy – the Digital Agenda, Innovation Union, Youth on the Move, an Industrial Policy for the globalisation era, Resource-efficient Europe, the Platform Against Poverty, and an Agenda for New Skills and Jobs – had been adopted. Together these contain more than 300 specific measures, the majority of which are likely to be EEA relevant. A large number of these measures were proposed during 2011.

The Single Market Act

11. The Single Market Act was adopted on 13 April 2011. The Act identified 12 key levers of particular importance to the future of the Single Market, with 12 key legislative actions, one for each lever. These proposals were intended to be presented in 2011 or in early 2012, with a view to their adoption before the end of 2012, in time for the 20th anniversary of the Single Market. In addition to the 12 key actions, the Act also included a number of accompanying or additional measures.. By the end of 2011, most of the key

actions had been proposed by the Commission and many have been marked as EEA relevant.

Processing of acquis in the EEA Agreement

12. A joint process by the EEA EFTA States and the European External Action Service was launched in October 2011 to further improve the processing of acquis in the EEA Agreement. The threefold aim is to reduce the number of EEA-relevant legal acts adopted on the EU side that have not been incorporated into the Agreement; to reduce the time period between the entry into force of acts on the EU side and on the EEA EFTA side; and to ensure that legal acts with constitutional requirements on the EEA EFTA side enter into force within the six-month period foreseen by the EEA Agreement.

13. As of 9 December 2011 the EEA EFTA states identified 544 EU legal acts where the date of entry into force in the EU has passed. For this purpose, an exceptional effort has been deployed in conjunction with the EU side in order to clear this backlog by June 2012. By 31 December 2011, 12 joint committee decisions awaited fulfilment of constitutional requirements where the six months period foreseen by article 103 of the EEA agreement had expired. The aim is to clear the backlog by the spring 2012.

EEA EFTA participation in EU agencies and programmes

14. The EEA EFTA States participated in 18 EU programmes and most of the EEA-relevant agencies.

Decision shaping

15. The EEA EFTA States submitted EEA EFTA Comments to the EU on the following subjects:

- The Single Market Act
- Future programmes in the field of education, training and youth (2014-2020)
- The Commission Communication on Early Childhood Education and Care
- The Public Consultation on a possible successor instrument to the EU programme on employment and solidarity – Progress 2007-2013
- The Consultation on the Feasibility Study carried out by the Expert Group on European Contract Law
- The White Paper (COM (2011) 144) - Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system
- The Consultation on the Green Paper: Modernising the Professional Qualifications Directive (COM (2011) 367)
- The proposal from the Commission for a Regulation on European Standardisation, COM (2011) 315 (EFTA TBT Committee Comment)
- The Commission proposal for a Directive of the European Parliament and of the Council on certain permitted uses of Orphan Works (COM (2011) 289)

Advisory bodies under the EEA

16. The EEA Consultative Committee held its annual meeting in Tartu, Estonia on 12 and 13 May 2011. The Committee adopted two resolutions at the meeting: One on the Single Market Act and one on Innovation in the Energy Field. The Committee also discussed European economic governance, the latest developments in the EEA, and EU accession negotiations with Iceland, and visited a project which has received a grant from the Norwegian Financial Mechanism.

17. The EEA Joint Parliamentary Committee (JPC) held two meetings in 2011, on 13 April in Svalbard and on 26 October in Strasbourg. The Committee embarked on a discussion on the EEA review, and discussed and adopted the following five resolutions, which were subsequently forwarded to the EEA Council:

- Annual Report of the EEA Joint Committee on the functioning of the EEA in 2010
- The High North: Opportunities and Policy Challenges
- EU Digital Agenda and the EEA
- EEA and Norwegian Grants: Contributing to the Social and Economic Cohesion in Europe
- European Refund Scheme for Drinks Containers

Financial Mechanisms

18. The year 2011 marked a watershed between the successful completion of the previous funding period and launching of the current funding period. It was a peak year for disbursement of funds and project completion under the EEA Financial Mechanism 2004-09 as well as concluding Memoranda of Understanding on country specific priorities under the financial mechanism 2009-14.

19. By the end of 2011, disbursement of funds reached EUR 507 million or 80% of commitments across the 2004-09 portfolio. Almost nine out of ten projects had been completed by the deadline of 30 April 2011 — an impressive completion rate when compared with other international funding schemes — with some 88 projects granted additional time for implementation. These are on course for completion by the extended deadline of 30 April 2012.

20. By end-2011, Memoranda of Understanding (MoU) between the donor and beneficiary states on the EEA Financial Mechanism 2009-2014 were concluded with 13 countries. Agreements with the two remaining countries (Portugal and Romania) were expected to be finalised in early 2012. In December 2011, a programme to assist Greece on asylum and migration issues became the first to be launched under the EEA Financial Mechanism 2009-2014.

21. The bilateral dimension has been reinforced in the 2009-2014 period and incorporated as an overall objective for the financial mechanism. More than half of the programmes will be planned and implemented in partnership with institutions from the donor states. Bilateral funds in each country and programme will contribute to networking, exchange of ideas and promotion of bilateral partnerships in projects to be supported.

22. Input from a series of reviews and evaluations helped to shape the new framework for the financial mechanism, with support now limited to clearly defined sectors and programme areas. Evaluations on two sectors — academic research and health and childcare — were concluded in 2011, complementing the nine reviews and evaluations conducted previously. An evaluation on support to cultural heritage and an end review of the EEA Financial Mechanism are expected early 2012.

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 C O M M I T T E E

Annex I to ref. 1112003

A C T I V I T I E S O F J O I N T S U B C O M M I T T E E S I N 2 0 1 1

F R E E M O V E M E N T O F G O O D S

G e n e r a l

1. Subcommittee I approved 221 legal acts for incorporation into the annexes and protocols to the EEA Agreement through 60 EEA Joint Committee Decisions (JCDs).

V e t e r i n a r y , f e e d i n g s t u f f s a n d p h y t o s a n i t a r y m a t t e r s

2. In the veterinary field, 68 legal acts were incorporated into the EEA Agreement.

3. Regarding feedingstuffs, 34 legal acts were incorporated into the EEA Agreement and six legal acts were incorporated in the phytosanitary matters field.

4. Each year, a number of legal acts are subject to the simplified procedure. Instead of being incorporated into the EEA Agreement, the EEA Joint Committee takes note of these acts. In 2011, the simplified procedure was applied to 53 legal acts.

T e c h n i c a l r e g u l a t i o n s , s t a n d a r d s , t e s t i n g a n d c e r t i f i c a t i o n

5. The EEA Joint Committee incorporated a total of 133 legal acts into Annex II to the EEA Agreement. Most of the new legal acts relate to foodstuffs (43), dangerous substances (25) and motor vehicles (6).

6. Sixteen new mandates were considered for presentation to the European Standards Organisations (ESOs). The mandates are followed by grant agreements relating to standardisation activities, financed on the EFTA side by all four EFTA States. In addition to the three annual operating grant agreements signed between EFTA and the ESOs in parallel with the EU, 56 grant agreements were signed in 2011. A framework partnership agreement was also signed with the European Association for the Coordination of Consumer Representation in Standardisation (ANEC). In addition, EFTA signed annual operating grant agreements with ANEC, the European Environmental Citizens Organisation for Standardisation (ECOS) and, for the first time, the European cooperation for Accreditation (EA). EFTA's 5% financial commitment to standardisation activities amounted to EUR 1.43 million in 2011.

Regulation on Novel Foods and Novel Food Ingredients

7. The EEA EFTA states and the Commission discussed the incorporation of this long standing regulation into the EEA agreement. The EEA EFTA states worked on a new draft JCD to be submitted to the EU side. The regulation entered into force in the EU in December 2005.

Regulation on medicinal products for paediatric use

8. The EEA EFTA States and the Commission continued discussions regarding the incorporation of this regulation into the EEA Agreement, which entered into force in the EU in January 2007. According to the EU side, the proposal for an adaptation text concerning fines in the JCD for the Paediatrics Regulation should be in accordance with its understanding of the two-pillar system, namely, whenever it is for the Commission to decide on penalties, the equivalent action on the EEA EFTA side should be taken by ESA. This would be in line with the agreed solution concerning the European Aviation Safety Agency (EASA).

9. In the declaration of the EFTA States in relation to EASA, it is stated that the EASA solution can set no precedent for other cases. The EFTA side objected to change the system for fines in the medicinal products sector, as this system has worked without any problems since it was incorporated into the Agreement in 2009. Moreover, it was indicated that they had constitutional difficulties with accepting the EASA solution as a general approach for fines. Discussions are ongoing with a view to bringing the matter to a conclusion.

Market surveillance

10. The EEA EFTA States are fully committed to the enhanced application of market surveillance under the terms of the New Legislative Framework (NLF) for the Marketing of Products and Directive 2001/95/EC on General Product Safety (GPSD).

11. As part of the ongoing work in market surveillance, EFTA was represented in the European Commission's project group on the development of guidelines for customs controls in the area of product safety. In response to the Commission's increased activity in this field, the EEA EFTA States participated in meetings conducted by the Senior Officials Group for Standardisation and Conformity Assessment Policy (SOGS) and the SOGS Market Surveillance Group. They also participate in GPSD Committee meetings and joint market surveillance and enforcement actions in the area of non-food consumer product safety.

Competition

12. Two block exemptions in the fields of specialisation agreements and research and development agreements were incorporated into the EEA Agreement in 2011.

13. A review of the acts related to the former European Coal and Steel Community (ECSC) that had been incorporated into the EEA Agreement was initiated in 2011. The review is still ongoing.

Public procurement

14. The Remedies Directive, which improves the national review procedures that businesses can use when they consider that a public authority has awarded a contract unfairly, was incorporated into the EEA Agreement. The EEA EFTA States followed the Commission's public consultation on a revision of the EU public procurement policy, which resulted in three new directives being proposed in December 2011 (two replacing the existing public procurement directives, and one new directive on concession contracts).

State aid

15. The EEA EFTA States participated in several multilateral state aid meetings hosted by the Commission, in particular concerning state aid to shipbuilding, the rollout of broadband networks, audiovisual projects, and the temporary state aid rules established in response to the economic and financial crisis.

Energy

16. The Renewable Energy Sources (RES) Directive was incorporated into the EEA Agreement, thereby contributing significantly to the EU's overall aim of increasing the RES share in Europe in the coming decade. In addition, 12 acts with regard to the eco-design requirements of energy-using/energy-related products were incorporated into the EEA Agreement.

17. The EEA EFTA States followed closely the Commission's work on a proposal for a new Energy Efficiency Directive, which was presented on 22 June 2011. Moreover, they paid close attention to the work on an energy infrastructure package, the aim of which is to boost investments in energy infrastructure in the coming decades.

18. The EEA EFTA States worked intensively on their assessment of the Third Package for the Internal Energy Market, in particular as regards the establishment of two new EU bodies, the Agency for the Cooperation of Energy Regulators (ACER) for gas, and the European Network of Transmission System Operators (ENTSOs) for electricity. The competences of these bodies and the possibility for EEA EFTA participation were among the main issues discussed in 2011.

Intellectual property

19. In the field of industrial rights, the EEA EFTA States paid close attention to the Commission's attempt to establish a unitary patent protection within the EU, including the establishment of a new Patent Court. In the field of copyright, the EEA EFTA States followed developments regarding the Commission's proposal on orphan works and submitted an EEA EFTA Comment on 3 December 2011.

Protocol 3 – Trade in processed agricultural products

20. The stalled negotiations between Iceland and the Commission on liberalising trade in processed agricultural products remained on hold in 2011.

21. The European Commission, Iceland and Norway met in November 2011 for the annual review of Protocol 3. The parties agreed that Protocol 3 was generally functioning well, but the Commission stated that there was potential for increased trade and market access for processed agricultural products, and expressed its strong desire to renegotiate Protocol 3 with a view to exploring ways of agreeing further tariff concessions. In order to overcome the current gridlock on Protocol 3, the Commission suggested initiating exploratory talks and asked for more frequent meetings. It was agreed that technical discussions should continue, but no commitments were made to negotiate concessions to improve market access.

Article 19 – Trade in agricultural products

22. The negotiations between Norway and the Commission on the liberalisation of trade in basic agricultural products under Article 19 of the EEA Agreement were concluded in 2010. The agreement entered into force on 1 January 2012.

Customs matters and rules of origin

23. In June 2011, the Regional Convention on Pan-Euro-Mediterranean Preferential Rules of Origin, that will replace the current network of origin protocols in the various agreements in the pan-Euro-Med zone, was opened for signature. At the end of the year, 12 out of the 23 contracting parties (all EFTA States, the EU, Albania, Faroe Islands, Croatia, Jordan, the former Yugoslav Republic of Macedonia, Montenegro and Turkey) had signed the Convention. Switzerland, Liechtenstein and Norway have already ratified the Convention. For these countries, the Convention entered into force on 1 January 2012.

24. On the EU side, the European Parliament (EP) voted on the final report of the International Trade Committee in February 2012. Thereafter, the file will be sent to the EU Council. It is hoped that the ratification procedure should be concluded by the end of the first semester of 2012 and that diagonal cumulation between EFTA, the EU and the Western Balkan countries could be in place at the earliest by then. The origin protocol in the EEA (Protocol 4) will not be replaced by the Convention, but the text of Protocol 4 will be amended to offer the same cumulation possibilities as foreseen in the Convention. A draft JCD amending Protocol 4 was approved by Subcommittee I on 24 November 2011 and was submitted to the EU side on 30 November 2011.

Key issues to be followed up in 2012

- Incorporation of the Novel Food Regulation from 1997, as well as the Regulations on genetically modified food and feed, and the traceability and labelling of GMOs
- Follow-up of the Commission's proposals on pharmaceuticals concerning information to patients, pharmacovigilance and the fight against counterfeiting of medicines
- Incorporation of the Regulation on medicinal products for paediatric use

- Incorporation of the new Regulation concerning the placing of plant protection products on the market
- Incorporation of the new legal framework for products (the Goods Package)
- Alignment Package to the NLF
- Incorporation of the Framework Directive on type-approval for motor vehicles
- Third Legislative Package for the Internal Energy Market
- Adoption of the text of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin.
- Incorporation of the institutional framework to monitor the new customs security measures under Protocol 10 to the EEA Agreement

FREE MOVEMENT OF CAPITAL AND SERVICES

25. In Subcommittee II, 65 legal acts were incorporated into the annexes and protocols to the EEA Agreement. The acts relate to the fields of financial services and company law, information and telecommunications services, audiovisual services and transport.

Financial services and company law

26. Two new legal acts were incorporated into Annex IX (financial services) and six into Annex XXII (company law).

27. In the area of financial services, the Directive on the taking-up and pursuit of the business of insurance and reinsurance (Solvency II) – a key piece of legislation for the insurance industry – was incorporated into Annex IX.

28. EEA EFTA experts considered a significant number of new EU acts and legislative proposals of relevance to the EEA EFTA States. Of particular importance are the Regulations establishing the new EU system of financial supervision (consisting of a European Systemic Risk Board, a European Banking Authority, a European Insurance and Occupational Pensions Authority and a European Securities and Markets Authority), the Deposit Guarantee Scheme Directive, the review of the Capital Requirement Directives and the Directive on Alternative Investment Fund Managers.

29. In the area of company law, most of the acts incorporated into Annex XXII concerned accounting standards.

30. The EEA EFTA states and the Commission discussed the incorporation of the directive on Bank Deposit Guarantees which entered into force in the EU in June 2009. Further developments are expected during the course of 2012.

Information and telecommunications services

31. Five new legal acts were incorporated into Annex XI.

32. The main focus in 2011 was the continuation of the discussions on the incorporation of the Telecom Package into the EEA Agreement, in particular on the level

of EEA EFTA participation in the Body of European Regulators for Electronic Communications (BEREC) which entered into force in the EU in January 2010. Several informal meetings were held between the EEA EFTA States and the EU on the draft JCD.

33. Experts from the EEA EFTA States continued to participate actively in the relevant expert and Member State groups, such as the Communications Committee (Cocom), BEREC and the Radio Spectrum Committee.

34. The EEA EFTA states and the Commission discussed the incorporation of the Data Retention Directive into the EEA agreement. A draft JCD was submitted to the EU side and is pending the agreement of the EEA EFTA states to be submitted for adoption of the Joint Committee. The directive entered into force in the EU in September 2007.

Audiovisual services

35. Discussions between the EEA EFTA States and the EU side on the incorporation of the Audiovisual and Media Services (AVMS) Directive into the EEA Agreement continued from the previous year.

36. The EEA EFTA States participated in the Contact Committee of the Television without Frontiers Directive, the Cinema Expert Group and the Group on Audiovisual Heritage.

37. The EEA EFTA States participated in the MEDIA Programme (2007-2013) and in the MEDIA Mundus Programme, which was incorporated into the EEA Agreement in 2011.

Postal services

38. The EEA EFTA states and the Commission continued the discussions about the Third Postal Services Directive.

Data privacy

39. Four legal acts were incorporated into Annex XI.

Transport

40. In the field of transport, 45 legal acts were incorporated into Annex XIII (transport). The highlight was the incorporation into the Agreement of the Regulation on the European Aviation Safety Agency (EASA).

41. The EEA EFTA states and the Commission discussed the incorporation of the directive on charging heavy goods vehicles which entered into force in the EU in June 2008. A revised draft JCD is expected to be submitted to the EU side for its incorporation during the first half of 2012

42. EEA EFTA experts participated actively in the various EU committees and expert meetings in this field. A significant number of proposals for new EU acts were considered and discussed in depth with the Commission services.

43. The EEA EFTA States monitored closely and discussed developments related to the Commission's White Paper on the Future of Transport, the proposal for the development of a Single European Railway Area, the proposal for amendments to the Regulation on the establishment of the European Maritime Agency, and the proposal for revised guidelines for the development of the trans-European transport network (TEN-T).

44. The second Single European Sky Package continued to be one of the main issues in the field of air transport. Further, several regulations concerning a Community list of air carriers subject to an operating ban (the so-called "safety list") were incorporated into the EEA Agreement, as well as several regulations concerning aviation safety and security.

Key issues to be followed up in 2012

- Preparation for the incorporation of the Regulations establishing the new EU system of financial supervision
- Incorporation of the Telecom Package (including BEREC) into the EEA Agreement
- Incorporation of the AVMS Directive into the EEA Agreement
- Preparation for the incorporation of the revised Roaming Regulation into the EEA Agreement
- Monitoring of the proposal for a new legal framework for data protection in the EU
- Monitoring of the proposal for a European Strategy for Internet Security
- Continuation of discussions on the incorporation of the Single European Sky Package

FREE MOVEMENT OF PERSONS

45. A total of 29 acts were incorporated into the EEA Agreement under Subcommittee III, most of which were related to social security. A JCD containing new, modernised social security coordination rules was adopted, replacing the entire Annex VI to the EEA Agreement. The EEA EFTA States also submitted an EEA EFTA Comment related to the revision of the Professional Qualifications Directive.

46. The EEA EFTA States followed EU activities closely in the field of the free movement of persons (Annex V) including employment and social policy (Protocol 31), social security (Annex VI) and recognition of professional qualifications (Annex VII).

Key issues to be followed up in 2012

- Consider potential EEA EFTA participation in the new Programme for Social Change and Innovation (2014-2020)
- Follow the implementation of the new modernised social security rules and the first planned revision of these rules

- Follow the proposal to revise the Professional Qualifications Directive

HORIZONTAL AND FLANKING POLICIES

47. In the field of horizontal and flanking policies, the EEA Joint Committee incorporated 58 acts into the EEA Agreement in the areas of environment, education, training and youth, gender equality and family policy, health and safety at work and labour law, consumer affairs and statistics.

Budgetary matters

48. In 2011, EEA EFTA experts on budgetary matters met with the Commission services three times.

49. The 2011 proportionality factor was 2.60% compared to 2.52% in 2010. The EEA EFTA commitment to the operational costs of the EU Budget in 2011 was EUR 262 million, a decrease of EUR 3 million from the EUR 265 million committed in 2010. The EEA EFTA payment in 2011 was EUR 206 million, constituting a decrease of EUR 24 million from the EUR 230 million payment in 2010.

50. Through the budgetary procedure, it was agreed that 34 EEA EFTA national experts would be seconded to the various directorates within the European Commission that deal with the joint EU programmes and activities.

51. The EEA EFTA States started discussions on the proposal for a Multiannual Financial Framework (2014-2020).

Gender equality, anti-discrimination and family policy

52. The Directive on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity was incorporated into the EEA Agreement in July 2011.

53. Another priority for the EEA EFTA States was the monitoring of EU developments regarding the proposal for a directive covering anti-discrimination outside the labour market.

54. The EEA EFTA States continued their active participation in the gender equality strand of the PROGRESS Programme and in the Daphne III Programme on Community action to prevent violence against children, young people and women, and to protect victims and groups at risk (2007-2013).

Health and safety at work and labour law

55. Two acts in the field of health and safety at work and labour law were incorporated into the EEA Agreement, notably the Directive implementing the revised Framework Agreement on parental leave, and the Directive implementing the Framework Agreement on prevention from sharp injuries in the hospital and healthcare sector.

56. Other areas of focus related to social partner discussions on a revision of the Working Time Directive and a planned proposal for the enforcement of the Posting of Workers Directive. The EEA EFTA States also followed the debate in the EU on the Pregnant Workers Directive and the new proposal on an Electromagnetic Fields Directive.

57. The EEA EFTA states discussed the incorporation into the EEA agreement of Temporary Agency Work Directive which entered into force in the EU in December 2011. A draft JCD will be presented to the EU side in the first half of 2012.

Public health

58. The EEA EFTA States focused in particular on the proposal for a directive on the application of patients' rights in cross-border healthcare. Several discussions took place with the Commission. Particular attention was given to the status of preparedness with regard to influenza A, H1N1; the new Directive on organ donations and transplants; developments at EU level with regard to a possible revision of the Tobacco Products Directive; the challenges facing Europe's health workforce; and health inequalities. Regarding tobacco, Norway and Iceland contributed to the public consultation on the possible revision of the Tobacco Products Directive and are in favour of strengthening the Directive further. Iceland notified draft legislation to introduce pictorial health warnings on tobacco products (optional according to EU legislation).

Consumer affairs

59. In the field of consumer affairs, the main focus was the close monitoring of developments regarding the proposal for a Common European Sales Law, as well as proposals on Alternative Dispute Resolution (ADR) and Online Dispute Resolution (ODR).

60. The Consumer Agenda and upcoming Consumer Programme were also a main point of focus. The annual Consumer Markets Scoreboard, which is one of the actions foreseen by the Consumer Programme (2007-2013), monitors the performance of markets in terms of economic and social outcomes for consumers. One of the priorities on the EEA EFTA side was to ensure the inclusion of EEA EFTA data in the upcoming editions of the Scoreboard. Since 2011, data from the EEA EFTA States have been fully included in the Consumer Markets Scoreboard.

61. The EEA EFTA States tracked progress on consumer collective redress and the revision of the Package Travel Directive. The EEA EFTA States continued to participate in the EU's Consumer Policy Network (CPN) and the Consumer Protection Cooperation Network (CPC).

Research and development

62. The EEA EFTA States focused in particular on the Commission's proposal on the post-2013 EU Programme in the field of research, development and innovation: Horizon 2020 (2014-2020). Several discussions took place in this respect between EEA EFTA experts and the Commission.

63. The Council Regulation on the Community Legal Framework for a European Research Infrastructure Consortium (ERIC) continued to be considered for incorporation into the EEA Agreement. EEA EFTA experts met with the Commission services on the matter and submitted a preliminary draft JCD to the EU side.

64. The EEA EFTA States followed the public consultation launched by the Commission on the European Research Area. Norway and Iceland contributed to the consultation bilaterally.

65. The EEA EFTA States monitored developments in the Joint Programming Initiative, the European Innovation Partnership, the European Institute of Technology and Innovation and the Commission's preparatory work on the European Research Area Framework to be submitted in 2012.

Education, training and youth

66. The EEA EFTA States focused in particular on the Commission's proposal on the post-2013 EU Programme in the field of education, training, youth and sport: Erasmus for All (2014-2020). Several discussions on the proposal took place between EEA EFTA experts and the Commission. The EEA EFTA States submitted an EEA EFTA Comment on future programmes in the field of education, training and youth.

67. The EEA EFTA States followed the Commission's work on an EU Agenda for the Rights of the Child and submitted an EEA EFTA Comment on Early Childhood Education and Care.

68. The EEA EFTA States followed the work of the High Level Group on Education: The Commission Communication on the Modernisation of Higher Education, developments in benchmarking of education and training, and the framework for future youth policy (2010-2018).

69. The EEA EFTA States monitored the development of initiatives under the EU 2020 Strategy, in particular under the Youth on the Move flagship initiative.

Culture

70. The key focus for the EEA EFTA States was to monitor the proposal on Creative Europe as well as the sport part of the Erasmus for All Programme (2014-2020).

71. The EEA EFTA States followed closely the Council's Work Plan on Culture (2011-2014), which sets out its priorities in the field of culture until 2014.

72. Upon entry into force of the Lisbon Treaty, the EU acquired new competence in the field of sport. In order to reflect this development and in view of a possible upcoming EU Sport Programme, the EEA EFTA States considered the incorporation of sport into the EEA Agreement.

Environment

73. In the field of environment, 23 legal acts were incorporated into the EEA Agreement. EEA EFTA experts participated actively in the various EU committees as well as expert meetings in this field.

74. The EEA Joint Committee adopted a broad range of decisions in the field of environment, including the ETS Aviation Directive and several other related acts, the Directive on environmental quality standards in the field of water policy, the Waste Framework Directive, the Directive on Ambient Air Quality and a number of decisions on the Ecolabel.

75. The main issue discussed was the inclusion of the revised ETS Package. The EEA EFTA experts had several meetings with the Commission services on specific issues relating to the EEA EFTA States' participation in the ETS, including the need for specific adaptations. The EEA EFTA experts are still scrutinising the Directive on the revised EU ETS as well as several other regulations and decisions linked to it.

76. The EEA EFTA States discussed policy documents and progress in the field of environmental legislation at EU level with the Commission services. Topics included the Commission's Communication on Resource Efficiency, its post-2010 EU biodiversity strategy, the environmental aspects of the Commission's Communication on Oil Drilling, the Commission's Green Paper on Forest Protection, the Commission's initiative on invasive alien species and the Commission's evaluation of the Sixth Environment Action Programme.

Enterprises and entrepreneurship

77. The EEA EFTA States followed the developments of the new Programme for the Competitiveness of Enterprises and Small and Medium-sized Enterprises (COSME) closely, as well as the innovation aspects of the Horizon 2020 Programme.

78. The EEA EFTA States continued their participation in the Internal Market Information (IMI) System and studied the proposal for a regulation on administrative cooperation through IMI closely. Performance checks under the Services Directive were also a main priority. Concerning SMEs, the Working Group scrutinised the Commission Communication on the Review of the "Small Business Act" for Europe. More generally, the EEA EFTA States followed the progress of the initiatives published under the Single Market Act.

Civil protection

79. The EEA EFTA States continued to participate actively in two programmes in the field of civil protection: The Community Mechanism for Civil Protection and the Civil Protection Financial Instrument (2007-2013). A key focus for the EEA EFTA States was to follow developments in the revision of the legal instruments in this area, as well as the merging of the EU Civil Protection and Humanitarian Assistance crisis operating centres.

80. The EEA EFTA States continued to monitor closely the European Programme on Critical Infrastructure Protection (EPCIP) as well as the EU funding Programme on the prevention, preparedness and consequence management of terrorism and other security-related risks (CIPS). Within EPCIP, particular attention was given to the Directive on Critical Infrastructure Protection.

Statistics

81. A good level of EEA cooperation in the field of statistics was maintained throughout 2011. EEA EFTA participants attended 107 out of the 112 Eurostat meetings and four national experts from the EEA EFTA States were seconded to Eurostat. The EEA Joint Committee incorporated 30 new legal acts in the field of statistics into the EEA Agreement in 2011. Furthermore, the EEA EFTA States participated in the operation of several joint projects with the EU.

Key issues to be followed up in 2012

- Continuation of discussions on the revision of the ETS
- Monitoring of the proposal for a Common European Sales Law, and of proposals on ADR and ODR
- Monitoring of the upcoming Consumer Programme
- Monitoring of the proposal for a Creative Europe Programme
- Monitoring of the proposal for a COSME Programme
- Monitoring of the e-Commerce Package
- Incorporation of the Temporary Agency Work Directive
- Preparation for the incorporation of the Directive on the Application of Patients' Rights in Cross-border Healthcare
- Monitoring of the proposal for the Horizon 2020 Programme
- Continuation of discussions on ERIC
- Monitoring of the proposal for the Erasmus for All Programme
- Preparation for the incorporation of legal acts arising from the Multiannual Framework Programme (2014-2020)