

EUROPEAN ECONOMIC AREA
JOINT PARLIAMENTARY COMMITTEE

Ref. 1077413
5 July 2007
Brussels
IV Appendices

28TH MEETING OF THE EEA JOINT PARLIAMENTARY COMMITTEE

*Vaduzersaal, Meeting room C
Vaduz
Wednesday, 27 June 2007, 09.00 – 12.30 and 14.00 – 17.00*

Draft Minutes

Opening of the meeting

1. Ms Diana Wallis, the Vice-President of the EEA JPC, opened the meeting and welcomed participants and especially thanked the Liechtenstein delegation for hosting this 28th meeting of the EEA JPC.

Adoption of the Draft Agenda (1074777)

2. Ms Wallis said that the Bureau had decided at its meeting the previous day to move agenda item number 8, the discussions on Mr Bonde's working document on Soft legislation and transparency related to the EEA, forward in the agenda, allowing this topic to be debated before the lunch-break. As for the rest of the agenda, there would be no changes. The change was supported by the Committee.

3. Ms Wallis informed the Committee that unfortunately neither Commissioner Borg nor his replacement, Mr Nemitz could see fit to come to Vaduz to address the Committee on the Future Maritime Policy. Although DG Fisheries and Maritime Affairs would be represented during the debate on the Future Maritime Policy by Mr Brinkmann, Ms Wallis said that this was highly regrettable.

Approval of the minutes of the 27th meeting of the EEA JPC (1070396)

4. The minutes from the 27th meeting of the EEA JPC in Brussels on 10 October 2006 were approved.

Election of the President of the EEA JPC

5. Ms Wallis informed the Committee that after the parliamentary elections in Iceland in May, the President of the EEA JPC, Mr Gudlaugur Thór Thórdarson, had been appointed a Minister in the new Government and that a new Icelandic delegation to the EFTA Parliamentary Committee had been elected, chaired by Ms Katrín Júlíusdóttir. According to the Presidency rotation rule of the EEA JPC, Ms Júlíusdóttir, was nominated as President of the EEA JPC for the remainder of the year, unless there were objections. The EEA JPC endorsed Ms Júlíusdóttir's presidency of the Committee and Ms Júlíusdóttir introduced herself and resumed the chairmanship of the meeting.

Soft legislation and Transparency related to the EEA - Presentation of a Working Document (Ref. 1075860)

Rapporteur: Mr Jens-Peter BONDE (IND/DEM, Denmark)

6. In introducing his working document, Mr Bonde explained the work which the European Parliament had undertaken in this field and that the Legal Affairs Committee had recently decided to draft a report on Soft legislation and Transparency and that the considerations were very similar to the ones presented in the working document. Mr Bonde further explained that the European Commission had an unusually strong role in implementing legal measures which in fact were not proper legislation but rather what had been commonly labelled as soft law. The rapporteur explained the comitology process and qualified majority voting and mentioned that at the time of the EEA being established it had been of utmost importance for the EFTA States to be involved in decision-shaping. As of now, the rapporteur explained, the EEA EFTA States were participating in over 300 committees. Mr Bonde then focused on the various recommendations stemming from the Commission and emphasised that recommendations were not legally binding instruments. The speaker said that the European Parliament was not against these recommendations but wished to add its voice to cases that came up from time to time. He proposed that the European Parliament and the EEA EFTA States should have oversight of the soft legislation measure undertaken by the Commission and emphasised that if the EEA EFTA States are bound by the outcome of such measures, they should have the participation rights. Finally, Mr Bonde said that the EEA JPC should take careful note of the findings of the Legal Affairs Committee in the coming months.

7. Mr Dominic Klein, representing DG Enterprise and Industry, said in his statement that soft law covered a variety of instruments, which basically shared the common characteristics of not having been attributed to legally binding nature as such. Mr Klein explained the institutional context for two of non-legally binding instruments, communications and recommendations, and then went on to elaborate on other examples where soft law was being used by the Commission as a regulatory policy tool. First, he explained the nature of Green papers and White papers whereby the intentions of the Commission in a specific policy area are indicated. Secondly the speaker mentioned guidelines and interpretative communications which aim at providing guidance to interested parties on the interpretation of certain aspects of either a Treaty provision or secondary legislation. Thirdly, Mr Klein explained that elements of soft law were encapsulated in the text of certain directives. Another category of soft law was recommendations and the speaker mentioned examples of their utilisation. Mr Klein also explained that a large quantity of soft law measures

with a EU dimension were also developed outside the EU public sphere in the area of self-regulation and that often such voluntary agreements were developed under the pressure of the possible introduction of more classical hard law instruments. Sixthly, Mr Klein explained that co-regulation had been experienced at EU level in various policy fields. Finally, Mr Klein said that the Open method of coordination had been introduced in 2000 at Lisbon and this mechanism aimed at coordinating the actions of Member States in a given policy domain to create the conditions for mutual learning that would induce some degree of voluntary policy convergence. In conclusion, Mr Klein said that soft-law measures had clear benefits in certain sectors but emphasised that they needed to be applied on a case-by-case basis and that this is done in a transparent way and in line with the inter-institutional balance provided by the Treaty.

8. Ms Wallis commented on the topic and emphasised that the decision-making process must be absolutely transparent and that in this context, the European Parliament was not a stakeholder, it was a decision-maker. Mr Hansen said that this was obviously a very difficult topic to tackle but at the same time he emphasised the importance of better regulation and hoped that the EEA JPC would return to this issue in its future work. Mr Sakalas emphasised that all legal instruments, whether soft or hard, should be legally binding and expressed the same views as Mr Bonde had done in his introductory remarks. In his remarks, Mr Bonde named a few cases where soft law had been applied and emphasised how important it was for the EEA EFTA States to be involved. Mr Benediktsson agreed with Mr Hansen that this was a very thorny issue and reminded that in the EFTA States, as in the EU Member States, far from all legislative measures were passed through parliament. It was a common practice in all states. He urged that these issues be dealt with in a pragmatic manner.

Development of the EEA Agreement and follow up to resolutions adopted at the 27th Meeting of the EEA Joint Parliamentary Committee

9. Mr Eberhard von Schubert gave a briefing of the main developments in the EEA since the latest meeting of the EEA JPC and started by welcoming the conclusion of the negotiations on the EEA Enlargement with a view to include Bulgaria and Romania as contracting parties to the EEA Agreement. He also underlined the importance of the EEA Joint Committee having resumed its work and thus maintained the homogeneity in the Internal Market and the good functioning of the EEA. In his intervention, Mr von Schubert, went over the main findings of the recent EEA Council meeting, which was held in Brussels on 15 May. He said that it had been a fruitful meeting which had coincided with the conclusions of the enlargement negotiations. Mr von Schubert said that at the Council meeting the progress made on linking the EEA EFTA States to the Greenhouse Gas Emissions Trading Scheme had been particularly welcomed. The Council had also emphasised the importance of maintaining the good functioning of the Internal Market when it came to the area of free movement of persons, calling for a rapid integration of the relevant directive. In her statement, Ms Kieber-Beck, said that the EEA EFTA States had had a very good cooperation with the German Presidency and that the discussions during the Council meeting in May had been very fruitful. She said that the continued participation of EEA EFTA Ministers in different ministerial conferences of the EU was much appreciated and cultivated the ongoing dialogue at political level. As for the functioning of the EEA, Ms Kieber-Beck said that overall it continued to function well although occasional problems have been encountered, as had been the case this

year with the delay in enlargement negotiations. However, with the necessary political will, such obstacles have been overcome and would be overcome in the future. Ms Kieber-Beck then expressed her satisfaction on the conclusions of the enlargement negotiations. Finally, the speaker emphasised the importance of making citizens aware of the opportunities the EEA Agreement offered and called on EFTA Parliamentarians and Members of the European Parliament to assist in this quest.

10. In his intervention, Mr Brinkmann started by focusing on the EEA enlargement negotiations, which had recently been concluded. He said that the negotiations had posed a challenge in 2006 and very little progress had been made before Bulgaria and Romania had become members of the EU. This created an unprecedented situation by the beginning of 2007 and that the EU side had decided that it was not in a position to adopt new legislative decisions in the EEA Joint Committee. Mr Brinkmann explained that the Commission had called for a rapid conclusion, fearing the potentially serious consequences of the situation. All parties had realised that a rapid agreement was of utmost importance and the negotiating parties had reached a conclusion with the Agreement being initialled in mid May. Mr Brinkmann welcomed these developments and said that the Agreement was well-balanced and that a rapid implementation of the new financial contributions for Bulgaria and Romania were well under way. He explained that the EEA Joint Committee had resumed its work and that a legal basis had been established for the EEA EFTA States' participation in EU Programmes. Turning to specific outstanding substance matters, Mr Brinkmann said that they were few. He said that good progress had been made as concerned the EEA EFTA States' participation in EFSA and that both sides were close to reaching an agreement on the Greenhouse Gas Trading scheme directive. However, there was still a serious issue on the table, namely the incorporation of directive 38/2004 on the free movement of persons. Mr Brinkman said that he hoped for a swift solution to this long overdue problem. Prince Nikolaus raised the same topics in his intervention and said that he was pleased that both sides managed to overcome the challenges and that the EEA continued to function as it was intended to do. Prince Nikolaus explained that a total of €72 million would be channelled to Bulgaria and Romania through the EEA Financial Mechanism of which Norway, as the biggest EEA EFTA State, would contribute €67.8 million. In addition to the EEA Financial Mechanism, new bilateral co-operation programmes will be set up by Norway for Bulgaria and Romania. Under these programmes, Norway would contribute a total of €68 million to projects in the two countries in the period 1 January 2007 to 30 April 2009. As for the EEA EFTA States' participation in EU programmes, the speaker said that some decisions regarding the EEA EFTA States' participation in the new generation of programmes that started in 2007, were delayed due to the late publication of decisions on the EU side. Fortunately, both sides had now managed to minimize the damage caused by the delay and most decisions had already been adopted which meant that the EEA EFTA States' participation in EU programmes had been secured for the period from 2007 and beyond. As for outstanding issues, Prince Nikolaus commented on that progress continued to be made as concerned free movement of persons and emphasised that this was a highly important topic which needed to be solved very promptly. He also said that good progress had been made as to the integration of the EEA EFTA States into EFSA.

11. In his statement, Bjørn Grydeland said that the timely and correct implementation of EEA legislation was of utmost importance to the Authority. He

said that continuous efforts were being made to reduce the number of pending cases, which at the end of 2006 stood at 644, a 10% decrease compared to the previous year. Another focus point of the Authority in the reporting period had been to review and update rules on public access to documents with the aim of reaching at least the same degree of openness as those of the European Commission. As for implementation of new legislation, Mr Grydeland said that the average transposition deficit of the EEA EFTA States fell slightly, to 1.4% compared to an average of 1.2% of the EU Member States. He continued to say that in all likelihood the EEA EFTA States would continue to perform well. The speaker commented that there had been a slight increase in the number of infringement proceedings brought by the Authority against the member states in the second part of 2006 with 43 cases pending against Norway, 40 against Iceland and 34 against Liechtenstein. Turning to Internal Market cases, Mr Grydeland mentioned that the Authority brought Norway before the EFTA Court claiming that the introduction of a state monopoly on gaming machines was in breach of the rules of the EEA Agreement, on the right of establishment and the freedom to provide services. The outcome of this case was that the Court found against the Authority. Mr Grydeland also remarked briefly on another high profile case, the Norwegian waterfalls case, where the EFTA Court had ruled against Norway. Mr Grydeland mentioned that the Authority had for the first time, in 2007, published a Scoreboard of state aid, showing the volume of aid granted by the three EFTA States and explained the Scoreboard's findings. He also briefed the Committee on that in the field of competition, the Authority had launched three sector inquiries in the course of the last two years, one of which was in the electricity market sector and the two relating to markets for financial services.

12. Before starting the debate on the guests' statement, the President introduced the EEA JPC's draft report on The Annual report on the functioning of the EEA in 2006 and said that the contents of that report would go hand in hand with the topics raised by the guest speakers. The Icelandic co-rapporteur, Mr Benediktsson, gave a statement where he said that the EEA Agreement continued to function well but that important developments in 2007 had given cause for reflection. He said that in spite of repeated calls for simultaneous enlargement of the EU and the EEA, the EEA EFTA States had found themselves in a critical position for the first four months of the year due to delays in enlargement negotiations. This had the immediate effect that no legal acts could be incorporated in the EEA for a period of five months. The speaker criticised that the time had not been used judiciously and cautioned that it remained to be seen if there would be any long-term repercussions of this serious delay. He then focused on the EEA EFTA States' participation in EU programmes and said that the overall situation in the enlargement negotiations had caused serious problems for the EFTA States participation in programmes. And the speaker specifically asked for clarifications as to why there had been a further delay in the programme participation even after the enlargement negotiations were concluded. Mr Benediktsson welcomed the fact that matters had been solved but said that these current developments were extremely regrettable and urged the relevant authorities to prevent such situations from arising again. As for specific outstanding issues, Mr Benediktsson called for a swift incorporation of the Greenhouse Gas emission trading scheme and the directive on the free movement of persons in the EEA. Finally, Mr Benediktsson enquired about developments regarding the EU ban against fishmeal in ruminant feed. Ms Wallis, the European Parliament co-rapporteur, echoed Mr Benediktsson's worries about the serious delays in enlargement negotiations and

enquired about the real reasons for the delays. Ms Wallis said that it could not be allowed that the Internal Market was impaired in one way or the other as the risks were too high. She said that the co-rapporteurs had rightly highlighted their serious concerns about the enlargement process and that the Committee wished to make their reservations felt. In addition, Ms Wallis regretted the fact that the incorporation of the directive of the free movement of persons into the EEA had been delayed and warned that if not solved quickly, the repercussions would be unprecedented. As for the implementation of EEA legislation, Ms Wallis enquired about the synergy between the EFTA Surveillance Authority and the European Commission and if the cooperation was close. Ms Wallis also enquired ESA about specific tax cases in Liechtenstein.

13. Mr Grydeland commented that the cooperation between the Commission and ESA remained very good. Mr Brinkman agreed that there had been disruptions to the EEA in the beginning of the year and agreed that the Internal Market could not be impaired. He furthermore explained that for the EU, the Internal Market could not be expanded without having the necessary treaty with a third country in place. Prince Nikolaus agreed that one of the lessons of 2007 as concerns enlargement was that methods could always be improved. As for the directive on free movement of persons, the speaker agreed that the matter was very serious but also noted that not even EU Member States had implemented the provision of the directive. Ms Dāvøy commented on the contents of the Annual report and further enquired whether there could be problems associated with the EEA EFTA States' participation in EU programmes. Mr David enquired about investigations into taxation systems in Liechtenstein and Luxembourg. As to the question on programme participation, Mr Brinkmann said that there had been an unfortunate delay in publication due to that a legal mandate from the EU Council was lacking but at the same time he assured that there should be no obstacles for the EEA EFTA States' future participation. On the question on tax regimes, Mr Grydeland said that the Authority was investigating Liechtenstein tax-regimes and its possible linkage to state aid. Ms Jensen enquired about infringement cases and especially a case linked to Norwegian national college education as well as commenting on the recent ruling on the Norwegian Waterfall case. As to the college education case, Mr Grydeland explained that with possible state aid, if ESA was in doubt it opened formal infringement proceedings. With regard to the Waterfall case, he said that this had been a very important conclusion which had taken a long time to materialise and he was of the opinion that a solution would be found within the limits of the EEA.

14. Mr Brende commented on the two preconditions of a well functioning Internal Market, namely rapid implementation of legislation and its correct application. Mr Brende said that as to complying with legislation, the EU Member States and the EEA EFTA States were different and commented on the larger deficit by the EEA EFTA States than the EU Member States. Mr Hansen welcomed the contents of the Annual report added that future reports might have added value if examples from Switzerland were to be included. Ms Wallis agreed and proposed that the Committee discussed the possibility of doing a comparative study of the EEA and the EU-Swiss bilateral agreements. Responding to Mr Brende's comments, Prince Nikolaus said that statistics did not always give the right picture, some legal acts were large in volume while others were straightforward. When it came to deficits in implementation, people needed also to look at the capacity to implement. He then said that as for

Liechtenstein, policies to speed up implementation had been put in place. Mr Brinkmann commented on the cooperation between ESA and the Commission and said that as far as he knew there existed no problems but there would always be room for improvement.

Consideration of the draft report on *The Annual report on the functioning of the EEA in 2006* (Ref. 1075327)

**Co-rapporteurs: Mr Bjarni BENEDIKTSSON (Independence Party, Iceland)
Ms Diana WALLIS (ALDE, United Kingdom)**

15. The President put the resolution on The annual report on the functioning of the EEA in 2006 to vote since the debate on the substantial content of the report had already been held under item number 6. The resolution was adopted unanimously.

Consideration of the draft report on *EU Future EU Maritime Policy: Implications for the EEA* (Ref. 1075878)

**Co-rapporteurs: Mr Børge BRENDE (Conservative Party, Norway)
Mr Alyn SMITH (Greens/EFA, United Kingdom)**

16. Mr Brende, the Norwegian co-rapporteur, introduced the report and welcomed the substantial contribution which the EEA JPC was making in the process of drawing up a future Maritime Policy for the European Union. He said that the contents of the Commission's White Paper and the scope of the policy proposals were both large and all-encompassing but at the same time it was clear that changes were needed when it came to Europe's Maritime Policies and that a wholistic approach was merited. Mr Brende applauded the contributions from the Governments of Iceland and Norway to the Commission's White Paper, upon which the contents of the EEA JPC report were largely based. He mentioned that the maritime industry and related sectors were an economic backbone in the continent's prosperity and that Maritime issues were global by all tokens. For example, 90% of all goods being transported globally are at one stage or the other transported by sea vessels. Mr Brende reminded that at the same time as the maritime industry remained ever more important in the global economy, the world faced new environmental challenges which had a direct bearing on the maritime sector. An important fact to note was that Maritime affairs were not placed under the Kyoto-protocol and thus emphasised aspects such as indexing of ships, which was discussed in the report. Finally, Mr Brende put a special emphasis on cleaner ships and the usage of gas as a fuel in ships and mentioned initiatives which Norwegian operators had taken in this field. In his intervention, Mr Alyn Smith, the European Parliament co-rapporteur, echoed Mr Brende's remarks about the importance of this topic and applauded that the EEA JPC had for the first time a direct influence on policies being made in the Community. He emphasised the importance of the maritime sector in Europe in general and in Europe's coastal economies in particular and said that Iceland and Norway were EU's natural partners in this process. Mr Smith also called for the full participation of Iceland and Norway in the future policies that were being made and that the EEA JPC would come back to this issue at its future meetings. In the absence of Commissioner Joe Borg, Mr Brinkmann briefly introduced the White Paper and welcomed the Committee's interest in this highly important topic. Ms Agdestein enquired about emissions from international

shipping and urged that they should be included in a binding reduction scheme after 2012. Ms Wallis welcomed the report and that the EEA JPC was adding its weight to this important topic. Moreover, Ms Wallis regretted that Commissioner Borg could not see fit to come to Vaduz and proposed that the Committee invited him to the next meeting.

17. After the debate the resolution was put to the vote and unanimously adopted.

Future work of the EEA JPC

18. The Vice-President, Ms Wallis, gave the Committee an account of what the EEA JPC Bureau had discussed at its meeting the previous day, as concerns the future work of the Committee. Three substance items had been raised as possible topics for reports for the next meeting. First, the Committee would draft a report on Energy and Climate change which was a topic that the Committee had touched upon in its report on Europe's High North. Secondly, Ms Wallis proposed a report on EEA's future perspectives. Thirdly, Ms Wallis proposed that the Committee drafted a report on one aspects of Mr Bonde's Soft law working document, namely the Open Method of Coordination. Lastly, Ms Wallis proposed that Commissioner Borg would be invited to attend the next meeting of the EEA JPC and update the Committee on developments as regards EU's Maritime Policy. The Committee endorsed these proposals.

Any other business

19. No other business was raised.

Next meeting

20. The President, Ms Júlíusdóttir, informed the Committee that the next meeting of the EEA JPC would take place in Strasbourg during the November session of the European Parliament on the dates 13-15 November. The idea was to give the EFTA Parliamentarians an opportunity to attend the European Parliament session and liaise with their political party colleagues in addition to the regular work of the EEA JPC. The President thanked the European Parliament and the EFTA Secretariat for taking this initiative and said that the Committee looked forward to the meeting. She then thanked the Liechtenstein delegation for hosting the 28th meeting of the EEA JPC and closed the meeting.

EUROPEAN ECONOMIC AREA
JOINT PARLIAMENTARY COMMITTEE

Appendix I

Ref. 1074447
12 June 2007
Brussels

28TH MEETING OF THE EEA JOINT PARLIAMENTARY COMMITTEE

*Vaduzersaal, Meeting room C
Vaduz
Wednesday, 27 June 2007, 09.00 – 12.30 and 14.00 – 17.00*

Draft Agenda

1. Opening of the meeting
2. Adoption of the Draft Agenda (1074777)
3. Approval of the minutes of the 27th meeting of the EEA JPC (1070396)
4. Election of the President of the EEA JPC
5. Development of the EEA Agreement and follow up to resolutions adopted at the 27th Meeting of the EEA Joint Parliamentary Committee

Statements by

- Mr Eberhard von SCHUBERT, Minister, representing the President in-Office of the EEA Council
- Ms Rita KIEBER-BECK, Minister of Foreign Affairs, EFTA President of the EEA Council
- Mr Matthias BRINKMANN, representing the President in-Office of the EEA Joint Committee
- H.S.H. Prince Nikolaus of LIECHTENSTEIN, EFTA President of the EEA Joint Committee
- Mr Bjørn T. GRYDELAND, President of the EFTA Surveillance Authority

followed by an exchange of views

6. Consideration of the draft report on *The Annual report on the functioning of the EEA in 2006* (Ref. 1075327)

Co-rapporteurs: Mr Bjarni BENEDIKTSSON (Independence Party, Iceland)
Ms Diana WALLIS (ALDE, United Kingdom)

followed by an exchange of views

7. Consideration of the draft report on *EU Future EU Maritime Policy: Implications for the EEA* (Ref. 1075878)

Co-rapporteurs: Mr Børge BRENDE (Conservative Party, Norway)
Mr Alyn SMITH (Greens/EFA, United Kingdom)

Address by Mr Paul NEMITZ, Deputy Head, Maritime Policy Task Force, DG Fisheries and Maritime Affairs, European Commission

Exchange of views

8. *Soft legislation and Transparency related to the EEA*
- Presentation of a Working Document (Ref. 1075860)

Rapporteur: Mr Jens-Peter BONDE (IND/DEM, Denmark)

Address by Mr Dominic Klein, DG Enterprise and Industry, European Commission

- Exchange of views

9. Vote on the draft resolutions
10. Future work of the EEA JPC
11. Any other business
12. Next meeting

EUROPEAN ECONOMIC AREA
JOINT PARLIAMENTARY COMMITTEE

Appendix II

Ref. 1074447
5 June 2007
Brussels

28TH MEETING OF THE EEA JOINT PARLIAMENTARY COMMITTEE

Vaduzersaal

Vaduz

Wednesday, 27 June 2007, 09.00 – 12.30 and 14.00 – 17.00

List of Participants

Iceland

Ms Katrín Júlíusdóttir, EEA JPC President	Social Democratic Alliance
Mr Bjarni Benediktsson	Independence Party
Mr Árni Thór Sigurdsson	Left- Green Movement
Ms Arnbjörg Sveinsdóttir	Independence Party
Mr Stígur Stefánsson	Secretary to the delegation

Liechtenstein

Mr Franz Heeb	Progressive Citizen's Party
Mr Adrian Gstöhl	Progressive Citizen's Party
Mr Henrik Caduff	Patriotic Union
Mr Roland Büchel	Patriotic Union

Norway

Mr Svein Roald Hansen	Labour Party
Mr Gjermund Hagesæter	Progress Party
Ms Lena Jensen	Socialist Left Party
Mr Børge Brende	Conservative Party
Ms Marianne Aasen Agdestein	Labour Party
Ms Laila Dåvoy	Christian Democratic Party
Ms Marit Gjeltén	Secretary to the delegation
Ms Merethe Elvestad	Secretary to the delegation

European Parliament

Ms Diana Wallis, EEA JPC Vice-President	Alliance of Liberals and Democrats for Europe, United Kingdom
Mr Jens Peter Bonde	Independence/Democracy Group, Denmark
Mr Aloyzas Sakalas	Socialist Group, Lithuania
Mr Jan Hudacky	European People's Party (Christian Democrats) and European Democrats, Slovakia
Mr Alyn E. Smith	Greens/European Free Alliance, United Kingdom
Ms Jolante Dickute	Alliance of Liberals and Democrats for Europe, Lithuania
Ms Danuté Budreikaitė	Alliance of Liberals and Democrats for Europe, Lithuania
Mr Mieczylaw Janowski	Alliance of Liberals and Democrats for Europe, Poland
Mr Paul Rübigen	European People's Party (Christian Democrats) and European Democrats, Austria
Ms Byliana Ilieva Raeva	Alliance of Liberals and Democrats for Europe

Observers

Switzerland

Mr Eugen David	Christian Democratic Party
Mr Mario Fehr	Social Democratic Party
Mr Felix Müri	Christain Democratic Party
Mr. Hans Ulrich Mathys	Swiss People's Party
Mr. Hannes Germann	Swiss People's Party
Ms Kathy Riklin	Christian Democratic Party
Mr Hans Widmer	Social Democratic Party
Ms Celine Nerny	Secretary to the delegation

Speakers

Ms Rita Kieber-Beck	Minister of Foreign Affairs, EFTA President of the EEA Council
Mr. Matthias Brinkmann	Representing the President in-Office of the EEA Joint Committee
H.S.H. Prince Nikolaus of Liechtenstein	EFTA President of the EEA Joint Committee
Mr Eberhard von Schubert	Minister, Embassy of Germany, Bern
Mr Bjørn T. Grydeland	President of the EFTA Surveillance Authority
Mr Dominique Klein	DG Enterprise and Industry, European Commission

EEA JPC Staff

Mr Henrik Olsen	Administrator, European Parliament
Mr Lars Erik Nordgaard	Director, ECD, EFTA Secretariat
Mr Andri Lúthersson	Officer, ECD, EFTA Secretariat

Ms Margrethe Saxegaard	Officer, ECD, EFTA Secretariat
Ms Nessa Cullimore	Assistant, ECD, EFTA Secretariat
Ms Annie d'Agosto	Administrative Assistant, European Parliament
Ms Emma Mollet	Administrative Secretary, European Parliament

Other observers and guests

Mr Georgios Kritikos	Administrator, External Relations, Council of the European Union
Ms Wenche Paulsrud	EEA Consultative Committee, Co-Chair
Ms Liina Caar	EEA Consultative Committee, Co-Chair
Mr Per Heister	Political Advisor to the EPP-ED Group
Ms Marieta Colera-Garzon	Political Advisor to the ALDE Group
Mr Stewart Arnold	Political Advisor to Ms Diana Wallis
Ms Lina Meistate	Assistant to Mr Aloyzas Sakalas
Mr Rafal Mazanek	Maritime Policy Task Force, DG FISH
Mr Manfred Spengler	Chair of the EFTA Group of the Council of the European Union.



EUROPEAN ECONOMIC AREA
JOINT PARLIAMENTARY
COMMITTEE

Appendix III

RESOLUTIONS

Adopted pursuant to Rules 11 and 13 of the Rules of Procedure,
at the 28th meeting of the Joint Parliamentary Committee

in Vaduz, 27 June 2007

The Annual Report on the Functioning of the EEA Agreement in 2006

Co-rapporteurs: Mr Bjarni BENEDIKTSSON (Independence Party, Iceland), and
Ms Diana WALLIS (ALDE, United Kingdom)

adopted unanimously

and

The EU Future Maritime Policy: Implications for the EEA

Co-rapporteurs: Mr Børge BRENDE (Conservative Party, Norway) and
Mr Alyn SMITH (Greens/EFA, United Kingdom)

adopted unanimously

Resolution

ON THE ANNUAL REPORT ON THE FUNCTIONING OF THE EEA AGREEMENT IN 2006

The Joint Parliamentary Committee of the European Economic Area:

- A. in accordance with its task laid out by the EEA Agreement (Article 95, paragraph 4),
- B. emphasising that the EEA EFTA States are not third countries in matters concerning the Internal Market, but full participants,
- C. mindful of the importance of maintaining homogeneity within the EEA,
- D. noting that the information and consultation process provided for in the EEA Agreement is an essential tool for the EFTA States to participate in the shaping of common rules,
- E. acknowledging the importance of implementation of EEA legislation in order to establish a dynamic and homogenous European Economic Area,
- F. recalling its resolutions on the functioning of the EEA in 1994 (adopted 29 May 1995), in 1995 (adopted 3 June 1996), in 1996 (adopted 14 April 1997) in 1997 (adopted 25 May 1998), in 1999 (adopted 16 March 2000), in 2000 (adopted 24 May 2001), in 2001 (adopted 20 June 2002), in 2002 (adopted 20 May 2003), in 2003 (adopted 27 April 2004), in 2004 (adopted 25 April 2005), and in 2005 (adopted 22 May 2006),
- G. recalling its resolution on Implementation of EEA legislation (adopted on 10 October 2006) and its resolution on Enlarging the EEA: Experiences and Perspectives (adopted on 10 October 2006),
 - 1. emphasises that if the EEA is to have a meaningful future, it needs to be taken more seriously by all stakeholders in the EEA and needs to be the focus of increased resources and efforts on the part of the European Commission, so that outstanding differences are solved promptly and that the good functioning of the EEA is not put at risk;
 - 2. takes note of the Annual Report of the EEA Joint Committee for 2006 and agrees with the general assessment that the EEA functioned in a satisfactory manner in the reporting period, subject to some important

reservations concerning the transposition of Directive 2004/38/EC and the enlargement of the EEA (see paragraphs 7 and 14 respectively);

3. recommends that in addition to the Joint Committee Annual Report, the EEA Joint Committee drafts a more analytical report for the purposes of the EEA JPC, taking major EU developments and horizontal policy issues into account when assessing the functioning of the Agreement, enabling the Report to be understood by a wider audience, which could better permit the EEA JPC to exercise the democratic scrutiny of the functioning of the Agreement;
4. welcomes the EEA JPC's institutional relationship with the EEA Joint Committee and the EEA Council and appreciates the oral responses provided by the President-in-Office of the EEA Joint Committee and by the representatives of the EEA Council, which have been comprehensive;
5. welcomes the meeting of the European Parliament with EEA EFTA Foreign Ministers as a model for future cooperation with the EEA Council and expresses its willingness to repeat such events in the future, so as to enhance joint working;
6. recommends the distribution of written Joint Committee statements on JPC resolutions before JPC meetings which would facilitate a fruitful dialogue with EEA Council and Joint Committee representatives;
7. regrets that the transposition deadline for Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States expired on the 30 April 2006, leading to the Commission bringing the matter to the EEA Joint Committee on 27 October 2006 and activating the procedures according to Article 102 of the EEA Agreement; and reminds that only once before in the successful history of the EEA have the same steps been taken;
8. stresses that if an act is not incorporated in the EEA within six months and no solutions has been found, the annex in which the act should be placed could be suspended provisionally six months later with unprecedented consequences;
9. expresses its concern about the situation as regards Directive 2004/38/EC and urges the relevant authorities to view this with utmost urgency and resolve the issue in a pragmatic way as soon as possible;

10. recognizes that good progress was made on formalising EEA participation in the European Food Safety Authority (EFSA) in 2006 and reminds the relevant authorities that for five years in a row the EEA JPC has called for a speedy participation of the EEA EFTA States in EFSA;
11. regrets that the EEA EFTA States' participation in EFSA remains unresolved; expresses hope that the issue can be resolved as soon as possible; and requests both further elaborations on the delay in formalising the agreement and a realistic timeframe for its conclusion;
12. expresses its concerns as to the long delay in incorporating the important Directive on the Greenhouse Gas Emission Trading Scheme into the EEA Agreement; and requests further information on the causes of the delay;
13. welcomes that overall, most EEA relevant acts seem to be processed in an efficient manner with the procedures for the integration of acts in EFTA capitals, the substructures and the Joint Committee functioning adequately; regrets that although the backlog is still relatively low, it increased slightly from the previous year to 129 in 2006; and reiterates its previous resolutions whereby it stresses the need to keep the backlog to a minimum;
14. regrets that by the end of 2006 a conclusion to the negotiations of the accession of Bulgaria and Romania to the EEA had not been reached despite the stated goal of the respective Authorities and numerous recommendations of the EEA JPC calling for a simultaneous enlargement of the EU and EEA in order to ensure the homogeneity and good functioning of the EEA;
15. welcomes that the outstanding issues in the enlargement negotiations were finally resolved; and welcomes Bulgaria and Romania as new members of the EEA;
16. expresses its grave concern that a settlement in the enlargement negotiations was seriously delayed, essentially rendering the European Economic Area in a legal vacuum for nearly 4 months and thereby preventing the EEA Joint Committee to adopt decisions on legal acts for 5 months;
17. trusts that the delay in the EEA enlargement negotiations will not have any serious repercussions and stresses that disruptions as these can have grave consequences for the good functioning of the Agreement;

18. regrets that as a result of the delay in EEA enlargement negotiations, the EEA EFTA States' participation in EU programmes was left in a legal vacuum at a particularly sensitive time as regards a start up phase for a new generation of EU programmes which run from 2007-2013; expresses its hope that this situation will not have a lasting effect on the EEA EFTA States' important participation in EU programmes; and urges the relevant authorities to prevent such a situation from arising again;
19. requests that the EEA JPC is provided with further information on the EEA EFTA States' participation in EU programmes in the coming years and thus making it able to evaluate if the unfortunate situation of the first half of 2007 will have negative consequences for the good functioning of the EEA;
20. welcomes that during 2006 the EEA EFTA States continued to participate in a wide range of EU programmes which constitute a vital part of the EEA Agreement; and hopes that the EEA EFTA States will not encounter any new legal obstacles to participate in the new programmes;
21. encourages the EEA EFTA States to continue to participate in EU committees, comitology committees, programmes, expert and non-comitology committees with the aim of influencing EU decision-shaping to the widest extent possible;
22. welcomes the substantial contributions from the EEA EFTA States towards the reduction of social and economic disparities in the enlarged Internal Market with the Financial Mechanisms 2004-2009; and underlines the need for more information on the administration of the Financial Mechanisms;
23. welcomes that the EU Member States' average transposition deficit for 2006 was 1.2%, marking the best result ever and finally meeting the 1.5% target set by the Heads of State and Government in 2001 and welcomes especially the fact that all EU Member States have improved their deficits;
24. welcomes that the EEA EFTA States did meet the 1.5% transposition deficit target in 2006 by bringing their deficits down to 1.4% but regrets that they remain 0.3% over the EU average;
25. asks the Commission and the EFTA Surveillance Authority to review how they might cooperate more closely in order to ensure even enforcement across the whole of the EEA;

26. welcomes the European Surveillance Authority's publication of its first State Aid Scoreboard in 2007;
27. instructs its President to forward this resolution to the EEA institutions, to the European Parliament and the EEA EFTA Parliaments and to the European Ombudsman.

Resolution

On the EU Future Maritime Policy: Implications for the EEA

The EEA Joint Parliamentary Committee of the European Economic Area:

- A. Having regard to the European Commission's Green Paper on Towards a Future Maritime Policy for the Union: A European vision for the oceans and seas, presented by the Commission on 7 June 2006,
- B. having regard to the Icelandic and Norwegian contributions to the Green Paper on a European Maritime Policy,
- C. recognising the work undertaken by the European Parliament in relation with the Future Maritime Policy of the Union,
- D. recognising that the numerous regions and industry sectors whose activities relate to the sea are one of the European Union's engines of growth, whereas between 3 and 5% of Europe's GDP is estimated to be generated by marine-based industries and services and the maritime regions account for over 40% of GDP,
- E. recognising that the future maritime policy constitutes a myriad of economic and societal opportunities for the Member States of the EEA and that it will have a wide-reaching impact on EU Member States and its immediate neighbours,
- F. recognising that the EEA EFTA States, especially Iceland and Norway, with their rich maritime heritage, well established best practices, knowledge and understanding of the responsible utilisation of sea resources are natural partners in the constitution of a future European Maritime policy,
- G. having regard to the fact that some of the areas covered by the Green Paper on a future Maritime Policy for the Union are applicable to the EEA-EFTA States within the framework of the EEA agreement, and that given Iceland's and Norway's geographical location, the two EEA EFTA States consider all matters related to the ocean and the seas to be highly important,
 1. welcomes the initiatives taken by the European Commission to formulate a holistic and ambitious future maritime policy which will rest firmly on the Lisbon Strategy by stimulating economic growth, competitiveness and jobs in a sustainable way, and reflecting the principles of an ecosystem-based management and the improvement of the status of the ocean; stresses that EU

action will be required only where it actually adds value to national and local action; and recognises the important role of regional and local authorities in the development of a successful integrated maritime policy;

2. welcomes the way in which Iceland and Norway have contributed constructively to the establishment of the future maritime policy and urges the European Commission to draw from that experience in the process ahead;
3. praises the unique consultation process which the European Commission has embarked upon in drawing up a proposal for a future Maritime Policy for Europe, whereby stakeholders' extensive participation has been encouraged;
4. acknowledges that the Green Paper lays the foundation for a future dynamic and pro-active European Maritime Policy which is directly linked to the internal market; and underlines that the EEA EFTA flagged fleet has a 26% share of the world fleet;
5. recommends the development of an integrated Maritime Policy for the EU which constitutes: A strict and deep-rooted commitment to sustainable management of marine resources; a forward-looking, market-based competitive strategy within an acceptable international trade and environmental framework; and, a high-quality coastal living environment based on proud marine cultural traditions;
6. agrees with the Green Paper's concerns on greenhouse gas emissions and the importance of seeking all possible means of reducing emissions generated by maritime activity; stresses the vital importance of continuing to promote and foster research and development of technologies aimed at enhancing energy efficiency or utilising environment-friendlier energy carriers; and encourages the EU to continue its support and financial contribution to such projects;
7. encourages that emissions from international shipping are included in a binding reduction scheme after 2012, which would apply to all ships regardless of the flag of register;
8. recognises that nitrate and sulphur emissions still represent a serious pollution problem; expresses its concern that if no further measures are introduced, by 2020, emissions of nitrate and sulphur from international shipping around Europe may have surpassed the total emissions from all land based sources in the EU Member States combined; welcomes the ongoing revision of MARPOL¹ Annex VI in the International Maritime Organisation (IMO), introducing limits to NOx and Sox emissions; and calls upon the EU to support

¹ International Convention for the Prevention of Pollution from Ships (MARPOL)

this revision and to seek stricter requirements, for example mandatory use of cleaner fuels and phase-out of heavy fuel oil;

9. draws attention to the fact that innovation and new technology are the keys to future cleaner ships; urges strong support and funding at both national and regional level; and welcomes initiatives in developing innovative concepts for cleaner ships and for combating CO₂ emissions such as the Norwegian Ship-owner Association's zero emission policy, solar energy ships, new fuel cell technologies, and the promotion of hydrogen being used as fuel;
10. emphasises that environmental and economical incentives play an important role in improving the environmental performance of shipping and encouraging more environmentally friendly behaviour; and encourages the EU to take steps to involve more European shipping companies, authorities and other stakeholders in setting key environmental performance indicators for shipping;
11. welcomes the EU commitment to install carbon capture and storage systems at several fossil power plants by 2015; and draws attention to the establishment of a North Sea Basin Task Force made up of both public and private bodies with the aim of providing a consistent basis for managing such activity;
12. underlines the importance of coastal zone management systems and stresses that the key to the success of such systems is a strong involvement and empowerment of local authorities combined with the active participation of all stakeholders in the planning process;
13. stresses that the aim of sustainable fisheries can only be achieved by an effective fisheries management system based on comprehensive scientific knowledge and best scientific advice, coupled with effective enforcement and control;
14. welcomes the EU's decision to review its discard policy, and draws attention to the effectiveness which economical methods have brought about in the campaign against discarding;
15. emphasises the importance of concerted international efforts in developing effective tools and enforcement procedures in order to combat Illegal, Unreported and Unregulated (IUU) fishing and stresses that vessels taking part in IUU activities should not receive any services from EEA coastal States unless emergencies arise;

16. draws attention to the importance of taking a common approach across different sectors when establishing risk assessment for maritime transport as an efficient tool to enhance safety at sea;
17. stresses the importance of developing a comprehensive network of existing and future vessel tracking systems for the coastal waters of the EU, with the aim of simplification and to prevent duplication of efforts; and underlines the importance of seeking collaboration with nations outside the EEA;
18. emphasises that instead of establishing an EU coast guard service, an enhanced co-operation and improved flow of information among existing coast guard services would be most beneficial; and stresses the importance of nations with adjacent territorial waters establishing a common advisory forum;
19. recognises that maritime transport is a global industry which calls for meaningful international cooperation for global solutions; and emphasises that efforts should continue to be focused on ensuring harmonised safety rules on international level through IMO and the International Labour Organisation (ILO), ensuring a level playing field;
20. stresses that the global nature of the maritime sector calls for stability and harmonisation of legislation; emphasises that the UN Convention on the Law of the Sea (UNCLOS) remains a legislative cornerstone in all matters related to the sea; and highlights the importance of both strengthening international rules set by IMO and ILO and ensuring that the European regulatory framework is as consistent with international rules as possible;
21. calls for rapid ratification of international conventions related to Maritime affairs; and recommends introducing a scoreboard of the Member States ratification of the most important international maritime conventions to be published by both the EU and the EEA Council;
22. draws attention to the fact that knowledge is a prerequisite for new and better jobs and that in order for Europe to remain at the cutting edge of knowledge and technology as regards the Maritime sector, it is essential to provide for more public long-term funding and economic support throughout the entire innovative/innovation process; supports a European marine-related research strategy to be developed; and recommends that the European Commission takes the initiative and develops a strategy through an extensive consultation process;
23. highlights the need to implement an integrated system of monitoring and research of marine areas, to ensure that monitoring is maintained in order to

create a sufficiently sound scientific foundation for the decisions that must be made concerning the appropriate responses to various challenges;

24. emphasises that the 7th Framework Programme is a crucial instrument for a successful implementation of the maritime policy; encourages well-functioning operational mechanisms to coordinate marine-related research across the nine different themes in the FP7; and underlines that when designing research and innovation support programmes, special attention is given to the industrial structures in the maritime industries;
25. supports the development of a European Marine Research Network and stresses that the co-ordination and integration of information can best be achieved by strengthening already existing systems, such as ICES², IMO, WEFTA³ and the Fisheries Forum.
26. Stresses the importance of a highly-qualified workforce in ensuring that the European integrated maritime economy remains competitive and therefore urges the Commission to promote the attractiveness of professions in the maritime sector and take measures to ensure better working and living conditions for seafarers;
27. supports the adoption of the Consolidated Maritime Labour Convention by ILO; urges rapid ratification by Member States; and calls upon relevant authorities to ratify STCW-F⁴ concerning seafarers on fishing vessels.
28. encourages increased collaboration between the EU and the Arctic Council in issues concerning maritime affairs;
29. encourages both extensive research programmes on the North Sea ecosystem in a joint effort by the North Sea Countries in cooperation with the European Commission, and extensive research into changes in the climate and the sea in the far northern regions;
30. reminds all relevant authorities that as a result of intensifying exploitation of Arctic resources, marine traffic in the Arctic is already increasing at an accelerating pace; stresses that International co-operation is needed for the establishment of mandatory rules for Arctic shipping; and urges relevant authorities to monitor closely environmental developments connected to the

² International Council for the Exploration of the Sea (ICES)

³ West European Fish Technologists Association (WEFTA)

⁴ International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)

opening of a Trans-Arctic sea route, which would call for an increased European cooperation and a common strategy;

31. welcomes the cultural and historical aspects of the Maritime Policy and underlines that there is a very close relationship between maintaining the cultural heritage of coastal regions and developing tourism in such areas;

32. supports a European action plan for encouraging best practises; reminds that strengthening of contacts between coastal communities can be a fruitful way to stimulate coastal tourism which relies on historical traditions; and encourages the development of a tourism strategy which emphasises sustainability and environmentally friendly operations.

EUROPEAN ECONOMIC AREA
JOINT PARLIAMENTARY
COMMITTEE

Press Statement

Appendix IV

Vaduz, 27 June 2007

Members of the European Parliament and Parliamentarians from Iceland, Norway and Liechtenstein met in Vaduz, Liechtenstein, on 26-27 June 2007 for the 28th meeting of the EEA Joint Parliamentary Committee (EEA JPC).

At its meeting the Committee elected Ms Katrín JÚLÍUSDÓTTIR (Social Democratic Alliance, Iceland) as President for the remainder of the year. Under the joint chairmanship of Ms JÚLÍUSDÓTTIR and the Vice-President Ms Diana WALLIS (ALDE, United Kingdom), the Joint Parliamentary Committee adopted unanimously 2 resolutions on the following topics:

The Annual Report on the Functioning of the EEA Agreement in 2006

Co-rapporteurs: Mr Bjarni BENEDIKTSSON (Independence Party, Iceland), and
Ms Diana WALLIS (ALDE, United Kingdom)

In the resolution the EEA JPC emphasised that if the EEA is to have a meaningful future, it needs to be taken more seriously and to focus on increased resources and efforts on the part of the European Commission so that the good functioning of the EEA is not put at risk. The Committee furthermore welcomed that most EEA relevant acts had been processed in an efficient manner but still stressed the need to keep the backlog to a minimum. As concerns EEA enlargement, the EEA JPC expressed its grave concerns that a settlement in the accession of Bulgaria and Romania to the EEA was seriously delayed and emphasised that this delay should not have any serious repercussions. The Committee stressed that disruptions such as these can have grave consequences for the good functioning of the Agreement. As for the incorporation of Directive 2004/38/EC on the free movement of persons, the Committee regretted that the transposition deadline had been missed, leading the European Commission to activate Article 102 of the EEA Agreement. These measures have only been taken once before in the successful history of the EEA. The Committee urged the relevant authorities to resolve the issue in a pragmatic way and with utmost urgency.

The EU Future Maritime Policy: Implications for the EEA

Co-rapporteurs: Mr Børge BRENDE (Conservative Party, Norway) and
Mr Alyn SMITH (Greens/EFA, United Kingdom)

In the resolution the EEA JPC acknowledged that the European Commission's Green paper on EU's Future Maritime Policy lays the foundation for a future dynamic and pro-active Maritime Policy which is directly linked to the internal market. The EEA EFTA States' flagged fleet has a 26% share of the world fleet and the Committee

welcomed the way in which Iceland and Norway have contributed constructively to the establishment of this policy. The Committee recognised that NO_x and SO_x emission still represent a serious pollution problem and expressed its concern that if no further measures are introduced, emissions from international shipping around Europe may surpass the total emissions from all land based sources in the EU member states combined by 2020. Furthermore, the Committee emphasised the importance of international efforts in developing effective tools and enforcement procedures with the aim of combating Illegal, Unreported and Unregulated (IUU) fishing. The Committee emphasised that innovation and new technologies are the keys to future cleaner ships and urged strong support and funding at both national and regional levels. In the resolution, the Committee also encouraged increased collaboration between the EU and the Arctic Council in issues concerning maritime affairs.

In addition to the debates on the two resolutions, the Committee discussed a working document on Soft legislation and transparency related to the EEA, drafted by Mr Jens-Peter BONDE (IND/DEM, Denmark). The European Commission was represented by Mr Dominique KLEIN.

Mr Eberhard von SCHUBERT, representing the German Presidency in-office of the EEA Council, Ms Rita KIEBER-BECK, Liechtenstein Minister of Foreign Affairs, Mr Matthias BRINKMANN, representing the President in-office of the EEA Joint Committee, H.S.H Prince Nikolaus of Liechtenstein, the EFTA President of the EEA Joint Committee, and Mr Bjørn T. Grydeland, President of the EFTA Surveillance Authority briefed the JPC on the functioning and development of the EEA Agreement and exchanged views with Committee members.

Members of the Swiss Parliament attended the meeting as observers.

The next EEA JPC meeting is scheduled to take place in Strasbourg on 13-15 November 2007.

The adopted resolutions are attached.

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