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► **B** **AGREEMENT ON THE EUROPEAN ECONOMIC AREA**

(OJ L 1, 3.1.1994, p. 3)

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► <b><u>M212</u></b>	Decision of the EEA Joint Committee No 93/2008 of 4 July 2008	L 280	34	23.10.2008
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Corrected by:

- **C1** Corrigendum, OJ L 349, 25.11.2004, p. 70 (79/2004)
- **C2** Corrigendum, OJ L 198, 28.7.2005, p. 65 (182/2004)
- **C3** Corrigendum, OJ L 53, 23.2.2006, p. 65 (89/2005)
- **C4** Corrigendum, OJ L 47, 21.2.2008, p. 69 (131/2007)
- **C5** Corrigendum, OJ L 247, 13.9.2012, p. 16 (104/2011)
- **C6** Corrigendum, OJ L 211, 17.7.2014, p. 49 (121/2012)

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**▼ B****PREAMBLE****▼ M187**

THE EUROPEAN COMMUNITY,  
 THE KINGDOM OF BELGIUM,  
 THE REPUBLIC OF BULGARIA,  
 THE CZECH REPUBLIC,  
 THE KINGDOM OF DENMARK,  
 THE FEDERAL REPUBLIC OF GERMANY,  
 THE REPUBLIC OF ESTONIA,  
 IRELAND,  
 THE HELLENIC REPUBLIC,  
 THE KINGDOM OF SPAIN,  
 THE FRENCH REPUBLIC,

**▼ M268**

THE REPUBLIC OF CROATIA,

**▼ M187**

THE ITALIAN REPUBLIC,  
 THE REPUBLIC OF CYPRUS,  
 THE REPUBLIC OF LATVIA,  
 THE REPUBLIC OF LITHUANIA,  
 THE GRAND DUCHY OF LUXEMBOURG,  
 ► **M268** ————— ◀ HUNGARY,  
 ► **M268** THE REPUBLIC OF ◀ MALTA,  
 THE KINGDOM OF THE NETHERLANDS,  
 THE REPUBLIC OF AUSTRIA,  
 THE REPUBLIC OF POLAND,  
 THE PORTUGUESE REPUBLIC,  
 ROMANIA,  
 THE REPUBLIC OF SLOVENIA,  
 THE SLOVAK REPUBLIC,  
 THE REPUBLIC OF FINLAND,  
 THE KINGDOM OF SWEDEN,  
 THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
 and  
 ICELAND,  
 THE PRINCIPALITY OF LIECHTENSTEIN,  
 THE KINGDOM OF NORWAY,

**▼ B**

hereinafter referred to as the CONTRACTING PARTIES;

CONVINCED of the contribution that a European Economic Area will bring to the construction of a Europe based on peace, democracy and human rights;

REAFFIRMING the high priority attached to the privileged relationship between the European Community, its Member States and the EFTA States, which is based on proximity, long-standing common values and European identity;

**▼B**

DETERMINED to contribute, on the basis of market economy, to world-wide trade liberalization and cooperation, in particular in accordance with the provisions of the General Agreement on Tariffs and Trade and the Convention on the Organization for Economic Cooperation and Development;

CONSIDERING the objective of establishing a dynamic and homogeneous European Economic Area, based on common rules and equal conditions of competition and providing for the adequate means of enforcement including at the judicial level, and achieved on the basis of equality and reciprocity and of an overall balance of benefits, rights and obligations for the Contracting Parties;

DETERMINED to provide for the fullest possible realization of the free movement of goods, persons, services and capital within the whole European Economic Area, as well as for strengthened and broadened cooperation in flanking and horizontal policies;

AIMING to promote a harmonious development of the European Economic Area and convinced of the need to contribute through the application of this Agreement to the reduction of economic and social regional disparities;

DESIROUS of contributing to the strengthening of the cooperation between the members of the European Parliament and of the Parliaments of the EFTA States, as well as between the social partners in the European Community and in the EFTA States;

CONVINCED of the important role that individuals will play in the European Economic Area through the exercise of the rights conferred on them by this Agreement and through the judicial defence of these rights;

DETERMINED to preserve, protect and improve the quality of the environment and to ensure a prudent and rational utilization of natural resources on the basis, in particular, of the principle of sustainable development, as well as the principle that precautionary and preventive action should be taken;

DETERMINED to take, in the further development of rules, a high level of protection concerning health, safety and the environment as a basis;

NOTING the importance of the development of the social dimension, including equal treatment of men and women, in the European Economic Area and wishing to ensure economic and social progress and to promote conditions for full employment, an improved standard of living and improved working conditions within the European Economic Area;

DETERMINED to promote the interests of consumers and to strengthen their position in the market place, aiming at a high level of consumer protection;

ATTACHED to the common objectives of strengthening the scientific and technological basis of European industry and of encouraging it to become more competitive at the international level;

CONSIDERING that the conclusion of this Agreement shall not prejudice in any way the possibility of any EFTA State to accede to the European Communities;

WHEREAS, in full deference to the independence of the courts, the objective of the Contracting Parties is to arrive at, and maintain, a uniform interpretation and application of this Agreement and those provisions of Community legislation which are substantially reproduced in this Agreement and to arrive at an equal treatment of individuals and economic operators as regards the four freedoms and the conditions of competition;

WHEREAS this Agreement does not restrict the decision-making autonomy or the treaty-making power of the Contracting Parties, subject to the provisions of this Agreement and the limitations set by public international law;

HAVE DECIDED to conclude the following Agreement:

**▼ B**

PART I  
OBJECTIVES AND PRINCIPLES

*Article 1*

1. The aim of this Agreement of association is to promote a continuous and balanced strengthening of trade and economic relations between the Contracting Parties with equal conditions of competition, and the respect of the same rules, with a view to creating a homogeneous European Economic Area, hereinafter referred to as the EEA.

2. In order to attain the objectives set out in paragraph 1, the association shall entail, in accordance with the provisions of this Agreement:

- (a) the free movement of goods;
- (b) the free movement of persons;
- (c) the free movement of services;
- (d) the free movement of capital;
- (e) the setting up of a system ensuring that competition is not distorted and that the rules thereon are equally respected; as well as
- (f) closer cooperation in other fields, such as research and development, the environment, education and social policy.

*Article 2*

For the purposes of this Agreement:

- (a) the term ‘Agreement’ means the main Agreement, its Protocols and Annexes as well as the acts referred to therein;
- (b) ► **M135** the term ‘EFTA States’ means ► **M187** ————— ◀ Iceland, the Principality of Liechtenstein and the Kingdom of Norway; ◀
- (c) the term ‘Contracting Parties’ means, concerning the Community and the EC Member States, the Community and the EC Member States, or the Community, or the EC Member States. The meaning to be attributed to this expression in each case is to be deduced from the relevant provisions of this Agreement and from the respective competences of the Community and the EC Member States as they follow from the Treaty establishing the European Economic Community ► **M135** ————— ◀;

**▼ M135**

- (d) the term ‘Act of Accession of 16 April 2003’ shall mean the Act concerning the conditions of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, adopted in Athens on 16 April 2003;

**▼ M187**

- (e) the term ‘Act of Accession of 25 April 2005’ shall mean the Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded, adopted in Luxembourg on 25 April 2005;

**▼ M268**

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**▼M268**

- (f) the term ‘Act of Accession of 9 December 2011’ shall mean the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, signed at Brussels on 9 December 2011.

**▼B***Article 3*

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement.

They shall abstain from any measure which could jeopardize the attainment of the objectives of this Agreement,

Moreover, they shall facilitate cooperation within the framework of this Agreement.

*Article 4*

Within the scope of application of this Agreement, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

*Article 5*

A Contracting Party may at any time raise a matter of concern at the level of the EEA Joint Committee or the EEA Council according to the modalities laid down in Articles 92(2) and 89(2), respectively.

*Article 6*

Without prejudice to future developments of case-law, the provisions of this Agreement, in so far as they are identical in substance to corresponding rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted in application of these two Treaties, shall, in their implementation and application, be interpreted in conformity with the relevant rulings of the Court of Justice of the European Communities given prior to the date of signature of this Agreement.

*Article 7*

Acts referred to or contained in the Annexes to this Agreement or in decisions of the EEA Joint Committee shall be binding upon the Contracting Parties and be, or be made, part of their internal legal order as follows:

- (a) an act corresponding to an EEC regulation shall as such be made part of the internal legal order of the Contracting Parties;
- (b) an act corresponding to an EEC directive shall leave to the authorities of the Contracting Parties the choice of form and method of implementation.



**▼B**

PART II  
**FREE MOVEMENT OF GOODS**

CHAPTER 1  
**BASIC PRINCIPLES**

*Article 8*

1. Free movement of goods between the Contracting Parties shall be established in conformity with the provisions of this Agreement.
2. Unless otherwise specified, Articles 10 to 15, 19, 20 and 25 to 27 shall apply only to products originating in the Contracting Parties.
3. Unless otherwise specified, the provisions of this Agreement shall apply only to:
  - (a) products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, excluding the products listed in Protocol 2;
  - (b) products specified in Protocol 3, subject to the specific arrangements set out in that Protocol.

*Article 9*

1. The rules of origin are set out in Protocol 4. They are without prejudice to any international obligations which have been, or may be, subscribed to by the Contracting Parties under the General Agreement on Tariffs and Trade.
2. With a view to developing the results achieved in this Agreement, the Contracting Parties will continue their efforts in order further to improve and simplify all aspects of rules of origin and to increase cooperation in customs matters.
3. A first review will take place before the end of 1993. Subsequent reviews will take place at two-yearly intervals. On the basis of these reviews, the Contracting Parties undertake to decide on the appropriate measures to be included in this Agreement.

*Article 10*

Customs duties on imports and exports, and any charges having equivalent effect, shall be prohibited between the Contracting Parties. Without prejudice to the arrangements set out in Protocol 5, this shall also apply to customs duties of a fiscal nature.

*Article 11*

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between the Contracting Parties.

*Article 12*

Quantitative restrictions on exports and all measures having equivalent effect shall be prohibited between the Contracting Parties.

**▼B***Article 13*

The provisions of Articles 11 and 12 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

*Article 14*

No Contracting Party shall impose, directly or indirectly, on the products of other Contracting Parties any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Contracting Party shall impose on the products of other Contracting Parties any internal taxation of such a nature as to afford indirect protection to other products.

*Article 15*

Where products are exported to the territory of any Contracting Party, any repayment of internal taxation shall not exceed the internal taxation imposed on them whether directly or indirectly.

*Article 16*

1. The Contracting Parties shall ensure that any State monopoly of a commercial character be adjusted so that no discrimination regarding the conditions under which goods are procured and marketed will exist between nationals of EC Member States and EFTA States.

2. The provisions of this Article shall apply to any body through which the competent authorities of the Contracting Parties, in law or in fact, either directly or indirectly supervise, determine or appreciably influence imports or exports between Contracting Parties. These provisions shall likewise apply to monopolies delegated by the State to others.

## CHAPTER 2

## AGRICULTURAL AND FISHERY PRODUCTS

*Article 17*

Annex I contains specific provisions and arrangements concerning veterinary and phytosanitary matters.

*Article 18*

Without prejudice to the specific arrangements governing trade in agricultural products, the Contracting Parties shall ensure that the arrangements provided for in Articles 17 and 23 (a) and (b), as they apply to products other than those covered by Article 8(3), are not compromised by other technical barriers to trade. Article 13 shall apply.

*Article 19*

1. The Contracting Parties shall examine any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.
2. The Contracting Parties undertake to continue their efforts with a view to achieving progressive liberalization of agricultural trade.
3. To this end, the Contracting Parties will carry out, before the end of 1993 and subsequently at two-yearly intervals, reviews of the conditions of trade in agricultural products.
4. In the light of the results of these reviews, within the framework of their respective agricultural policies and taking into account the results of the Uruguay Round, the Contracting Parties will decide, within the framework of this Agreement, on a preferential, bilateral or multilateral, reciprocal and mutually beneficial basis, on further reductions of any type of barriers to trade in the agricultural sector, including those resulting from State monopolies of a commercial character in the agricultural field.

*Article 20*

Provisions and arrangements that apply to fish and other marine products are set out in Protocol 9.

## CHAPTER 3

**COOPERATION IN CUSTOMS-RELATED MATTERS AND TRADE FACILITATION***Article 21*

1. In order to facilitate trade between them, the Contracting Parties shall simplify border controls and formalities. Arrangements for this purpose are set out in Protocol 10.
2. The Contracting Parties shall assist each other in customs matters in order to ensure that customs legislation is correctly applied. Arrangements for this purpose are set out in Protocol 11.
3. The Contracting Parties shall strengthen and broaden cooperation with the aim of simplifying the procedures for trade in goods, in particular in the context of Community programmes, projects and actions aimed at trade facilitation, in accordance with the rules set out in Part VI.
4. Notwithstanding Article 8(3), this Article shall apply to all products.

*Article 22*

A Contracting Party which is considering the reduction of the effective level of its duties or charges having equivalent effect applicable to third countries benefiting from most-favoured-nation treatment, or which is considering the suspension of their application, shall, as far as may be practicable, notify the EEA Joint Committee not later than 30 days before such reduction or suspension comes into effect. It shall take note of any representations by other Contracting Parties regarding any distortions which might result therefrom.

**▼B**

## CHAPTER 4

**OTHER RULES RELATING TO THE FREE MOVEMENT OF GOODS***Article 23*

Specific provisions and arrangements are laid down in:

- (a) Protocol 12 and Annex II in relation to technical regulations, standards, testing and certification;
- (b) Protocol 47 in relation to the abolition of technical barriers to trade in wine;
- (c) Annex III in relation to product liability.

They shall apply to all products unless otherwise specified.

*Article 24*

Annex IV contains specific provisions and arrangements concerning energy.

*Article 25*

Where compliance with the provisions of Articles 10 and 12 leads to:

- (a) re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned, quantitative export restrictions, export duties or measures or charges having equivalent effect; or
- (b) a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise, or are likely to give rise, to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures in accordance with the procedures set out in Article 113.

*Article 26*

Anti-dumping measures, countervailing duties and measures against illicit commercial practices attributable to third countries shall not be applied in relations between the Contracting Parties, unless otherwise specified in this Agreement.

## CHAPTER 5

**COAL AND STEEL PRODUCTS***Article 27*

Provisions and arrangements concerning coal and steel products are set out in Protocols 14 and 25.

**▼B**

PART III  
**FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL**

CHAPTER 1  
**WORKERS AND SELF-EMPLOYED PERSONS**

*Article 28*

1. Freedom of movement for workers shall be secured among EC Member States and EFTA States.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of EC Member States and EFTA States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of EC Member States and EFTA States for this purpose;
  - (c) to stay in the territory of an EC Member State or an EFTA State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of an EC Member State or an EFTA State after having been employed there.
4. The provisions of this Article shall not apply to employment in the public service.
5. Annex V contains specific provisions on the free movement of workers.

*Article 29*

In order to provide freedom of movement for workers and self-employed persons, the Contracting Parties shall, in the field of social security, secure, as provided for in Annex VI, for workers and self-employed persons and their dependants, in particular:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Contracting Parties.

*Article 30*

In order to make it easier for persons to take up and pursue activities as workers and self-employed persons, the Contracting Parties shall take the necessary measures, as contained in Annex VII, concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications, and the coordination of the provisions laid down by law, regulation or administrative action in the Contracting Parties concerning the taking up and pursuit of activities by workers and self-employed persons.



CHAPTER 2  
RIGHT OF ESTABLISHMENT

*Article 31*

1. Within the framework of the provisions of this Agreement, there shall be no restrictions on the freedom of establishment of nationals of an EC Member State or an EFTA State in the territory of any other of these States. This shall also apply to the setting up of agencies, branches or subsidiaries by nationals of any EC Member State or EFTA State established in the territory of any of these States.

Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of Article 34, second paragraph, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of Chapter 4.

2. Annexes VIII to XI contain specific provisions on the right of establishment.

*Article 32*

The provisions of this Chapter shall not apply, so far as any given Contracting Party is concerned, to activities which in that Contracting Party are connected, even occasionally, with the exercise of official authority.

*Article 33*

The provisions of this Chapter and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

*Article 34*

Companies or firms formed in accordance with the law of an EC Member State or an EFTA State and having their registered office, central administration or principal place of business within the territory of the Contracting Parties shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of EC Member States or EFTA States.

‘Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

*Article 35*

The provisions of Article 30 shall apply to the matters covered by this Chapter.

**▼B**CHAPTER 3  
SERVICES*Article 36*

1. Within the framework of the provisions of this Agreement, there shall be no restrictions on freedom to provide services within the territory of the Contracting Parties in respect of nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the person for whom the services are intended.

2. Annexes IX to XI contain specific provisions on the freedom to provide services.

*Article 37*

Services shall be considered to be 'services' within the meaning of this Agreement where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons.

'Services' shall in particular include:

- (a) activities of an industrial character;
- (b) activities of a commercial character;
- (c) activities of craftsmen;
- (d) activities of the professions.

Without prejudice to the provisions of Chapter 2, the person providing a service may, in order to do so, temporarily pursue his activity in the State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

*Article 38*

Freedom to provide services in the field of transport shall be governed by the provisions of Chapter 6.

*Article 39*

The provisions of Articles 30 and 32 to 34 shall apply to the matters covered by this Chapter.

CHAPTER 4  
CAPITAL*Article 40*

Within the framework of the provisions of this Agreement, there shall be no restrictions between the Contracting Parties on the movement of capital belonging to persons resident in EC Member States or EFTA States and no discrimination based on the nationality or on the place of residence of the parties or on the place where such capital is invested. Annex XII contains the provisions necessary to implement this Article.

**▼B***Article 41*

Current payments connected with the movement of goods, persons, services or capital between Contracting Parties within the framework of the provisions of this Agreement shall be free of all restrictions.

*Article 42*

1. Where domestic rules governing the capital market and the credit system are applied to the movements of capital liberalized in accordance with the provisions of this Agreement, this shall be done in a non-discriminatory manner.

2. Loans for the direct or indirect financing of an EC Member State or an EFTA State or its regional or local authorities shall not be issued or placed in other EC Member States or EFTA States unless the States concerned have reached agreement thereon.

*Article 43*

1. Where differences between the exchange rules of EC Member States and EFTA States could lead persons resident in one of these States to use the freer transfer facilities within the territory of the Contracting Parties which are provided for in Article 40 in order to evade the rules of one of these States concerning the movement of capital to or from third countries, the Contracting Party concerned may take appropriate measures to overcome these difficulties.

2. If movements of capital lead to disturbances in the functioning of the capital market in any EC Member State or EFTA State, the Contracting Party concerned may take protective measures in the field of capital movements.

3. If the competent authorities of a Contracting Party make an alteration in the rate of exchange which seriously distorts conditions of competition, the other Contracting Parties may take, for a strictly limited period, the necessary measures in order to counter the consequences of such alteration.

4. Where an EC Member State or an EFTA State is in difficulties, or is seriously threatened with difficulties, as regards its balance of payments either as a result of an overall disequilibrium in its balance of payments, or as a result of the type of currency at its disposal, and where such difficulties are liable in particular to jeopardize the functioning of this Agreement, the Contracting Party concerned may take protective measures.

*Article 44*

The Community, on the one hand, and the EFTA States, on the other, shall apply their internal procedures, as provided for in Protocol 18, to implement the provisions of Article 43.

*Article 45*

1. Decisions, opinions and recommendations related to the measures laid down in Article 43 shall be notified to the EEA Joint Committee.

2. All measures shall be the subject of prior consultations and exchange of information within the EEA Joint Committee.



**▼B**

3. In the situation referred to in Article 43(2), the Contracting Party concerned may, however, on the grounds of secrecy and urgency take the measures, where this proves necessary, without prior consultations and exchange of information.

4. In the situation referred to in Article 43(4), where a sudden crisis in the balance of payments occurs and the procedures set out in paragraph 2 cannot be followed, the Contracting Party concerned may, as a precaution, take the necessary protective measures. Such measures must cause the least possible disturbance in the functioning of this Agreement and must not be wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

5. When measures are taken in accordance with paragraphs 3 and 4, notice thereof shall be given at the latest by the date of their entry into force, and the exchange of information and consultations as well as the notifications referred to in paragraph 1 shall take place as soon as possible thereafter.

## CHAPTER 5

**ECONOMIC AND MONETARY POLICY COOPERATION***Article 46*

The Contracting Parties shall exchange views and information concerning the implementation of this Agreement and the impact of the integration on economic activities and on the conduct of economic and monetary policies. Furthermore, they may discuss macro-economic situations, policies and prospects. This exchange of views and information shall take place on a non-binding basis.

## CHAPTER 6

**TRANSPORT***Article 47*

1. Articles 48 to 52 shall apply to transport by rail, road and inland waterway.
2. Annex XIII contains specific provisions on all modes of transport.

*Article 48*

1. The provisions of an EC Member State or an EFTA State, relative to transport by rail, road and inland waterway and not covered by Annex XIII, shall not be made less favourable in their direct or indirect effect on carriers of other States as compared with carriers who are nationals of that State.

2. Any Contracting Party deviating from the principle laid down in paragraph 1 shall notify the EEA Joint Committee thereof. The other Contracting Parties which do not accept the deviation may take corresponding countermeasures.

*Article 49*

Aid shall be compatible with this Agreement if it meets the needs of coordination of transport or if it represents reimbursement for the discharge of certain obligations inherent in the concept of a public service.

**▼B***Article 50*

1. In the case of transport within the territory of the Contracting Parties, there shall be no discrimination which takes the form of carriers charging different rates and imposing different conditions for the carriage of the same goods over the same transport links on grounds of the country of origin or of destination of the goods in question.
2. The competent authority according to Part VII shall, acting on its own initiative or on application by an EC Member State or an EFTA State, investigate any cases of discrimination falling within this Article and take the necessary decisions within the framework of its internal rules.

*Article 51*

1. The imposition, in respect of transport operations carried out within the territory of the Contracting Parties, of rates and conditions involving any element of support or protection in the interest of one or more particular undertakings or industries, shall be prohibited unless authorized by the competent authority referred to in Article 50(2).
2. The competent authority shall, acting on its own initiative or on application by an EC Member State or an EFTA State, examine the rates and conditions referred to in paragraph 1, taking account in particular of the requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances, on the one hand, and of the effects of such rates and conditions on competition between the different modes of transport, on the other.

The competent authority shall take the necessary decisions within the framework of its internal rules.

3. The prohibition provided for in paragraph 1 shall not apply to tariffs fixed to meet competition.

*Article 52*

Charges or dues in respect of the crossing of frontiers which are charged by a carrier in addition to transport rates shall not exceed a reasonable level after taking the costs actually incurred thereby into account. The Contracting Parties shall endeavour to reduce these costs progressively.

## PART IV

**COMPETITION AND OTHER COMMON RULES**

## CHAPTER 1

**RULES APPLICABLE TO UNDERTAKINGS***Article 53*

1. The following shall be prohibited as incompatible with the functioning of this Agreement: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Contracting Parties and which have as their object or effect the prevention, restriction or distortion of competition within the territory covered by this Agreement, and in particular those which:
  - (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
  - (b) limit or control production, markets, technical development, or investment;

**▼B**

- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings;
- any decision or category of decisions by associations of undertakings;
- any concerted practice or category of concerted practices;

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

*Article 54*

Any abuse by one or more undertakings of a dominant position within the territory covered by this Agreement or in a substantial part of it shall be prohibited as incompatible with the functioning of this Agreement in so far as it may affect trade between Contracting Parties.

Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

*Article 55*

1. Without prejudice to the provisions giving effect to Articles 53 and 54 as contained in Protocol 21 and Annex XIV of this Agreement, the EC Commission and the EFTA Surveillance Authority provided for in Article 108(1) shall ensure the application of the principles laid down in Articles 53 and 54.

**▼B**

The competent surveillance authority, as provided for in Article 56, shall investigate cases of suspected infringement of these principles, on its own initiative, or on application by a State within the respective territory or by the other surveillance authority. The competent surveillance authority shall carry out these investigations in cooperation with the competent national authorities in the respective territory and in cooperation with the other surveillance authority, which shall give it its assistance in accordance with its internal rules.

If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement is not brought to an end, the competent surveillance authority shall record such infringement of the principles in a reasoned decision.

The competent surveillance authority may publish its decision and authorize States within the respective territory to take the measures, the conditions and details of which it shall determine, needed to remedy the situation. It may also request the other surveillance authority to authorize States within the respective territory to take such measures.

*Article 56*

1. Individual cases falling under Article 53 shall be decided upon by the surveillance authorities in accordance with the following provisions:

- (a) individual cases where only trade between EFTA States is affected shall be decided upon by the EFTA Surveillance Authority;
- (b) without prejudice to subparagraph (c), the EFTA Surveillance Authority decides, as provided for in the provisions set out in Article 58, Protocol 21 and the rules adopted for its implementation, Protocol 23 and Annex XIV, on cases where the turnover of the undertakings concerned in the territory of the EFTA States equals 33 % or more of their turnover in the territory covered by this Agreement;
- (c) the EC Commission decides on the other cases as well as on cases under (b) where trade between EC Member States is affected, taking into account the provisions set out in Article 58, Protocol 21, Protocol 23 and Annex XIV.

2. Individual cases falling under Article 54 shall be decided upon by the surveillance authority in the territory of which a dominant position is found to exist. The rules set out in paragraph 1(b) and (c) shall apply only if dominance exists within the territories of both surveillance authorities.

3. Individual cases falling under subparagraph (c) of paragraph 1, whose effects on trade between EC Member States or on competition within the Community are not appreciable, shall be decided upon by the EFTA Surveillance Authority.

4. The terms 'undertaking' and 'turnover' are, for the purposes of this Article, defined in Protocol 22.

*Article 57*

1. Concentrations the control of which is provided for in paragraph 2 and which create or strengthen a dominant position as a result of which effective competition would be significantly impeded within the territory covered by this Agreement or a substantial part of it, shall be declared incompatible with this Agreement.

**▼B**

2. The control of concentrations falling under paragraph 1 shall be carried out by:
- (a) the EC Commission in cases falling under Regulation (EEC) No 4064/89 in accordance with that Regulation and in accordance with Protocols 21 and 24 and Annex XIV to this Agreement. The EC Commission shall, subject to the review of the EC Court of Justice, have sole competence to take decisions on these cases;
  - (b) the EFTA Surveillance Authority in cases not falling under subparagraph (a) where the relevant thresholds set out in Annex XIV are fulfilled in the territory of the EFTA States in accordance with Protocols 21 and 24 and Annex XIV. This is without prejudice to the competence of EC Member States.

*Article 58*

With a view to developing and maintaining a uniform surveillance throughout the European Economic Area in the field of competition and to promoting a homogeneous implementation, application and interpretation of the provisions of this Agreement to this end, the competent authorities shall cooperate in accordance with the provisions set out in Protocols 23 and 24.

*Article 59*

1. In the case of public undertakings and undertakings to which EC Member States or EFTA States grant special or exclusive rights, the Contracting Parties shall ensure that there is neither enacted nor maintained in force any measure contrary to the rules contained in this Agreement, in particular to those rules provided for in Articles 4 and 53 to 63.
2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Agreement, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Contracting Parties.
3. The EC Commission as well as the EFTA Surveillance Authority shall ensure within their respective competence the application of the provisions of this Article and shall, where necessary, address appropriate measures to the States falling within their respective territory.

*Article 60*

Annex XIV contains specific provisions giving effect to the principles set out in Articles 53, 54, 57 and 59.

## CHAPTER 2

## STATE AID

*Article 61*

1. Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.

**▼B**

2. The following shall be compatible with the functioning of this Agreement:

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;
- (b) aid to make good the damage caused by natural disasters or exceptional occurrences;
- (c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.

3. The following may be considered to be compatible with the functioning of this Agreement:

- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;
- (b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of an EC Member State or an EFTA State;
- (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;
- (d) such other categories of aid as may be specified by the EEA Joint Committee in accordance with Part VII.

*Article 62*

1. All existing systems of State aid in the territory of the Contracting Parties, as well as any plans to grant or alter State aid, shall be subject to constant review as to their compatibility with Article 61. This review shall be carried out:

- (a) as regards the EC Member States, by the EC Commission according to the rules laid down in Article 93 of the Treaty establishing the European Economic Community;
- (b) as regards the EFTA States, by the EFTA Surveillance Authority according to the rules set out in an agreement between the EFTA States establishing the EFTA Surveillance Authority which is entrusted with the powers and functions laid down in Protocol 26.

2. With a view to ensuring a uniform surveillance in the field of State aid throughout the territory covered by this Agreement, the EC Commission and the EFTA Surveillance Authority shall cooperate in accordance with the provisions set out in Protocol 27.

*Article 63*

Annex XV contains specific provisions on State aid.

*Article 64*

1. If one of the surveillance authorities considers that the implementation by the other surveillance authority of Articles 61 and 62 of this Agreement and Article 5 of Protocol 14 is not in conformity with the maintenance of equal conditions of competition within the territory covered by this Agreement, exchange of views shall be held within two weeks according to the procedure of Protocol 27, paragraph (f).

**▼B**

If a commonly agreed solution has not been found by the end of this two-week period, the competent authority of the affected Contracting Party may immediately adopt appropriate interim measures in order to remedy the resulting distortion of competition.

Consultations shall then be held in the EEA Joint Committee with a view to finding a commonly acceptable solution.

If within three months the EEA Joint Committee has not been able to find such a solution, and if the practice in question causes, or threatens to cause, distortion of competition affecting trade between the Contracting Parties, the interim measures may be replaced by definitive measures, strictly necessary to offset the effect of such distortion. Priority shall be given to such measures that will least disturb the functioning of the EEA.

2. The provisions of this Article will also apply to State monopolies, which are established after the date of signature of the Agreement.

## CHAPTER 3

**OTHER COMMON RULES***Article 65*

1. Annex XVI contains specific provisions and arrangements concerning procurement which, unless otherwise specified, shall apply to all products and to services as specified.

2. Protocol 28 and Annex XVII contain specific provisions and arrangements concerning intellectual, industrial and commercial property, which, unless otherwise specified, shall apply to all products and services.

## PART V

**HORIZONTAL PROVISIONS RELEVANT TO THE FOUR FREEDOMS**

## CHAPTER 1

**SOCIAL POLICY***Article 66*

The Contracting Parties agree upon the need to promote improved working conditions and an improved standard of living for workers.

*Article 67*

1. The Contracting Parties shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers. In order to help achieve this objective, minimum requirements shall be applied for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Contracting Parties. Such minimum requirements shall not prevent any Contracting Party from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Agreement.

2. Annex XVIII specifies the provisions to be implemented as the minimum requirements referred to in paragraph 1.

**▼B***Article 68*

In the field of labour law, the Contracting Parties shall introduce the measures necessary to ensure the good functioning of this Agreement. These measures are specified in Annex XVIII.

*Article 69*

1. Each Contracting Party shall ensure and maintain the application of the principle that men and women should receive equal pay for equal work.

For the purposes of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

2. Annex XVIII contains specific provisions for the implementation of paragraph 1.

*Article 70*

The Contracting Parties shall promote the principle of equal treatment for men and women by implementing the provisions specified in Annex XVIII.

*Article 71*

The Contracting Parties shall endeavour to promote the dialogue between management and labour at European level.

## CHAPTER 2

**CONSUMER PROTECTION***Article 72*

Annex XIX contains provisions on consumer protection.

## CHAPTER 3

**ENVIRONMENT***Article 73*

1. Action by the Contracting Parties relating to the environment shall have the following objectives:

- (a) to preserve, protect and improve the quality of the environment;
- (b) to contribute towards protecting human health;
- (c) to ensure a prudent and rational utilization of natural resources.



**▼B**

2. Action by the Contracting Parties relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Contracting Parties' other policies.

*Article 74*

Annex XX contains the specific provisions on protective measures which shall apply pursuant to Article 73.

*Article 75*

The protective measures referred to in Article 74 shall not prevent any Contracting Party from maintaining or introducing more stringent protective measures compatible with this Agreement.

## CHAPTER 4

**STATISTICS***Article 76*

1. The Contracting Parties shall ensure the production and dissemination of coherent and comparable statistical information for describing and monitoring all relevant economic, social and environmental aspects of the EEA.

2. To this end the Contracting Parties shall develop and use harmonized methods, definitions and classifications as well as common programmes and procedures organizing statistical work at appropriate administrative levels and duly observing the need for statistical confidentiality.

3. Annex XXI contains specific provisions on statistics.

4. Protocol 30 contains specific provisions on the organization of cooperation in the field of statistics.

## CHAPTER 5

**COMPANY LAW***Article 77*

Annex XXII contains specific provisions on company law.

## PART VI

**COOPERATION OUTSIDE THE FOUR FREEDOMS***Article 78*

The Contracting Parties shall strengthen and broaden cooperation in the framework of the Community's activities in the fields of:

- research and technological development,
- information services,
- the environment,
- education, training and youth,
- social policy,

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- consumer protection,
- small and medium-sized enterprises,
- tourism,
- the audiovisual sector, and
- civil protection,

in so far as these matters are not regulated under the provisions of other Parts of this Agreement.

*Article 79*

1. The Contracting Parties shall strengthen the dialogue between them by all appropriate means, in particular through the procedures provided for in Part VII, with a view to identifying areas and activities where closer cooperation could contribute to the attainment of their common objectives in the fields referred to in Article 78.
2. They shall, in particular, exchange information and, at the request of a Contracting Party, hold consultations within the EEA Joint Committee in respect of plans or proposals for the establishment or amendment of framework programmes, specific programmes, actions and projects in the fields referred to in Article 78.
3. Part VII shall apply *mutatis mutandis* with regard to this Part whenever the latter or Protocol 31 specifically provides therefor.

*Article 80*

The cooperation provided for in Article 78 shall normally take one of the following forms:

- participation by EFTA States in EC framework programmes, specific programmes, projects or other actions;
- establishment of joint activities in specific areas, which may include concertation or coordination of activities, fusion of existing activities and establishment of *ad hoc* joint activities;
- the formal and informal exchange or provision of information;
- common efforts to encourage certain activities throughout the territory of the Contracting Parties;
- parallel legislation, where appropriate, of identical or similar content;
- coordination, where this is of mutual interest, of efforts and activities via, or in the context of, international organizations, and of cooperation with third countries.

*Article 81*

Where cooperation takes the form of participation by EFTA States in an EC framework programme, specific programme, project or other action, the following principles shall apply:

- (a) The EFTA States shall have access to all parts of a programme.
- (b) The status of the EFTA States in the committees which assist the EC Commission in the management or development of a Community activity to which EFTA States may be contributing financially by virtue of their participation shall take full account of that contribution.

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- (c) Decisions by the Community, other than those relating to the general budget of the Community, which affect directly or indirectly a framework programme, specific programme, project or other action, in which EFTA States participate by a decision under this Agreement, shall be subject to the provisions of Article 79(3). The terms and conditions of the continued participation in the activity in question may be reviewed by the EEA Joint Committee in accordance with Article 86.
- (d) At the project level, institutions, undertakings, organizations and nationals of EFTA States shall have the same rights and obligations in the Community programme or other action in question as those applicable to partner institutions, undertakings, organizations and nationals of EC Member States. The same shall apply *mutatis mutandis* to participants in exchanges between EC Member States and EFTA States, under the activity in question.
- (e) EFTA States, their institutions, undertakings, organizations and nationals shall have the same rights and obligations with regard to dissemination, evaluation and exploitation of results as those applicable to EC Member States, their institutions, undertakings, organizations and nationals.
- (f) The Contracting Parties undertake, in accordance with their respective rules and regulations, to facilitate the movement of participants in the programme and other action to the extent necessary.

*Article 82*

1. When the cooperation envisaged under the present Part involves a financial participation of the EFTA States, this participation shall take one of the following forms:

- (a) The contribution of the EFTA States, arising from their participation in Community activities, shall be calculated proportionally:

— to the commitment appropriations; and

— to the payment appropriations;

entered each year for the Community in the general budget of the Community for each budgetary line corresponding to the activities in question.

The 'proportionality factor' determining the participation of the EFTA States shall be the sum of the ratios between, on the one hand, the gross domestic product at market prices of each of the EFTA States and, on the other hand, the sum of the gross domestic products at market prices of the EC Member States and of that EFTA State. This factor shall be calculated, for each budgetary year, on the basis of the most recent statistical data.

The amount of the contribution of the EFTA States shall be additional, both in commitment appropriations and in payment appropriations, to the amounts entered for the Community in the general budget on each line corresponding to the activities concerned.

The contributions to be paid each year by the EFTA States shall be determined on the basis of the payment appropriations.

Commitments entered into by the Community prior to the entry into force, on the basis of this Agreement, of the participation of the EFTA States in the activities in question — as well as the payments which result from this — shall give rise to no contribution on the part of the EFTA States.

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- (b) The financial contribution of the EFTA States deriving from their participation in certain projects or other activities shall be based on the principle that each Contracting Party shall cover its own costs, with an appropriate contribution which shall be fixed by the EEA Joint Committee to the Community's overhead costs.
  - (c) The EEA Joint Committee shall take the necessary decisions concerning the contribution of the Contracting Parties to the costs of the activity in question.
2. The detailed provisions for the implementation of this Article are set out in Protocol 32.

*Article 83*

Where cooperation takes the form of an exchange of information between public authorities, the EFTA States shall have the same rights to receive, and obligations to provide, information as EC Member States, subject to the requirements of confidentiality, which shall be fixed by the EEA Joint Committee.

*Article 84*

Provisions governing cooperation in specific fields are set out in Protocol 31.

*Article 85*

Unless otherwise provided for in Protocol 31, cooperation already established between the Community and individual EFTA States in the fields referred to in Article 78 on the date of entry into force of this Agreement shall thereafter be governed by the relevant provisions of this Part and of Protocol 31.

*Article 86*

The EEA Joint Committee shall, in accordance with Part VII, take all decisions necessary for the implementation of Articles 78 to 85 and measures derived therefrom, which may include, *inter alia*, supplementing and amending the provisions of Protocol 31, as well as adopting any transitional arrangements required by way of implementation of Article 85.

*Article 87*

The Contracting Parties shall take the necessary steps to develop, strengthen or broaden cooperation in the framework of the Community's activities in fields not listed in Article 78, where such cooperation is considered likely to contribute to the attainment of the objectives of this Agreement, or is otherwise deemed by the Contracting Parties to be of mutual interest. Such steps may include the amendment of Article 78 by the addition of new fields to those listed therein.

*Article 88*

Without prejudice to provisions of other Parts of this Agreement, the provisions of this Part shall not preclude the possibility for any Contracting Party to prepare, adopt and implement measures independently.



PART VII  
INSTITUTIONAL PROVISIONS

CHAPTER 1  
THE STRUCTURE OF THE ASSOCIATION

Section 1  
The EEA Council

*Article 89*

1. An EEA Council is hereby established. It shall, in particular, be responsible for giving the political impetus in the implementation of this Agreement and laying down the general guidelines for the EEA Joint Committee.

To this end, the EEA Council shall assess the overall functioning and the development of the Agreement. It shall take the political decisions leading to amendments of the Agreement.

2. The Contracting Parties, as to the Community and the EC Member States in their respective fields of competence, may, after having discussed it in the EEA Joint Committee, or directly in exceptionally urgent cases, raise in the EEA Council any issue giving rise to a difficulty.

3. The EEA Council shall by decision adopt its rules of procedure.

*Article 90*

1. The EEA Council shall consist of the members of the Council of the European Communities and members of the EC Commission, and of one member of the Government of each of the EFTA States.

Members of the EEA Council may be represented in accordance with the conditions to be laid down in its rules of procedure.

2. Decisions by the EEA Council shall be taken by agreement between the Community, on the one hand, and the EFTA States, on the other.

*Article 91*

1. The office of President of the EEA Council shall be held alternately, for a period of six months, by a member of the Council of the European Communities and a member of the Government of an EFTA State,

2. The EEA Council shall be convened twice a year by its President. The EEA Council shall also meet whenever circumstances so require, in accordance with its rules of procedure.

Section 2  
The EEA Joint Committee

*Article 92*

1. An EEA Joint Committee is hereby established. It shall ensure the effective implementation and operation of this Agreement. To this end, it shall carry out exchanges of views and information and take decisions in the cases provided for in this Agreement.

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2. The Contracting Parties, as to the Community and the EC Member States in their respective fields of competence, shall hold consultations in the EEA Joint Committee on any point of relevance to the Agreement giving rise to a difficulty and raised by one of them.

3. The EEA Joint Committee shall by decision adopt its rules of procedure.

*Article 93*

1. The EEA Joint Committee shall consist of representatives of the Contracting Parties.

2. The EEA Joint Committee shall take decisions by agreement between the Community, on the one hand, and the EFTA States speaking with one voice, on the other.

*Article 94*

1. The office of President of the EEA Joint Committee shall be held alternately, for a period of six months, by the representative of the Community, i.e. the EC Commission, and the representative of one of the EFTA States.

2. In order to fulfil its functions, the EEA Joint Committee shall meet, in principle, at least once a month. It shall also meet on the initiative of its President or at the request of one of the Contracting Parties in accordance with its rules of procedure.

3. The EEA Joint Committee may decide to establish any subcommittee or working group to assist it in carrying out its tasks. The EEA Joint Committee shall in its rules of procedure lay down the composition and mode of operation of such subcommittees and working groups. Their tasks shall be determined by the EEA Joint Committee in each individual case.

4. The EEA Joint Committee shall issue an annual report on the functioning and the development of this Agreement.

**Section 3****Parliamentary cooperation***Article 95*

1. An EEA Joint Parliamentary Committee is hereby established. It shall be composed of equal numbers of, on the one hand, members of the European Parliament and, on the other, members of Parliaments of the EFTA States. The total number of members of the Committee is laid down in the Statute in Protocol 36.

2. The EEA Joint Parliamentary Committee shall alternately hold sessions in the Community and in an EFTA State in accordance with the provisions laid down in Protocol 36.

3. The EEA Joint Parliamentary Committee shall contribute, through dialogue and debate, to a better understanding between the Community and the EFTA States in the fields covered by this Agreement.

4. The EEA Joint Parliamentary Committee may express its views in the form of reports or resolutions, as appropriate. It shall, in particular, examine the annual report of the EEA Joint Committee, issued in accordance with Article 94(4), on the functioning and the development of this Agreement.

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5. The President of the EEA Council may appear before the EEA Joint Parliamentary Committee in order to be heard by it.
6. The EEA Joint Parliamentary Committee shall adopt its rules of procedure.

**Section 4****Cooperation between economic and social partners***Article 96*

1. Members of the Economic and Social Committee and other bodies representing the social partners in the Community and the corresponding bodies in the EFTA States shall work to strengthen contacts between them and to cooperate in an organized and regular manner in order to enhance the awareness of the economic and social aspects of the growing interdependence of the economies of the Contracting Parties and of their interests within the context of the EEA.
2. To this end, an EEA Consultative Committee is hereby established. It shall be composed of equal numbers of, on the one hand, members of the Economic and Social Committee of the Community and, on the other, members of the EFTA Consultative Committee. The EEA Consultative Committee may express its views in the form of reports or resolutions, as appropriate.
3. The EEA Consultative Committee shall adopt its rules of procedure.

**CHAPTER 2****THE DECISION-MAKING PROCEDURE***Article 97*

This Agreement does not prejudice the right for each Contracting Party to amend, without prejudice to the principle of non-discrimination and after having informed the other Contracting Parties, its internal legislation in the areas covered by this Agreement:

- if the EEA Joint Committee concludes that the legislation as amended does not affect the good functioning of this Agreement; or
- if the procedures referred to in Article 98 have been completed.

*Article 98*

The Annexes to this Agreement and Protocols 1 to 7, 9 to 11, 19 to 27, 30 to 32, 37, 39, 41 and 47, as appropriate, may be amended by a decision of the EEA Joint Committee in accordance with Articles 93(2), 99, 100, 102 and 103.

*Article 99*

1. As soon as new legislation is being drawn up by the EC Commission in a field which is governed by this Agreement, the EC Commission shall informally seek advice from experts of the EFTA States in the same way as it seeks advice from experts of the EC Member States for the elaboration of its proposals.

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2. When transmitting its proposal to the Council of the European Communities, the EC Commission shall transmit copies thereof to the EFTA States.

At the request of one of the Contracting Parties, a preliminary exchange of views takes place in the EEA Joint Committee.

3. During the phase preceding the decision of the Council of the European Communities, in a continuous information and consultation process, the Contracting Parties consult each other again in the EEA Joint Committee at the significant moments at the request of one of them.

4. The Contracting Parties shall cooperate in good faith during the information and consultation phase with a view to facilitating, at the end of the process, the decision-taking in the EEA Joint Committee.

*Article 100*

The EC Commission shall ensure experts of the EFTA States as wide a participation as possible according to the areas concerned, in the preparatory stage of draft measures to be submitted subsequently to the committees which assist the EC Commission in the exercise of its executive powers. In this regard, when drawing up draft measures the EC Commission shall refer to experts of the EFTA States on the same basis as it refers to experts of the EC Member States.

In the cases where the Council of the European Communities is seized in accordance with the procedure applicable to the type of committee involved, the EC Commission shall transmit to the Council of the European Communities the views of the experts of the EFTA States.

*Article 101*

1. In respect of committees which are covered neither by Article 81 nor by Article 100 experts from EFTA States shall be associated with the work when this is called for by the good functioning of this Agreement,

These committees are listed in Protocol 37. The modalities of such an association are set out in the relevant sectoral Protocols and Annexes dealing with the matter concerned.

2. If it appears to the Contracting Parties that such an association should be extended to other committees which present similar characteristics, the EEA Joint Committee may amend Protocol 37.

*Article 102*

1. In order to guarantee the legal security and the homogeneity of the EEA, the EEA Joint Committee shall take a decision concerning an amendment of an Annex to this Agreement as closely as possible to the adoption by the Community of the corresponding new Community legislation with a view to permitting a simultaneous application of the latter as well as of the amendments of the Annexes to the Agreement. To this end, the Community shall, whenever adopting a legislative act on an issue which is governed by this Agreement, as soon as possible inform the other Contracting Parties in the EEA Joint Committee.



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2. The part of an Annex to this Agreement which would be directly affected by the new legislation is assessed in the EEA Joint Committee.

3. The Contracting Parties shall make all efforts to arrive at an agreement on matters relevant to this Agreement.

The EEA Joint Committee shall, in particular, make every effort to find a mutually acceptable solution where a serious problem arises in any area which, in the EFTA States, falls within the competence of the legislator.

4. If, notwithstanding the application of the preceding paragraph, an agreement on an amendment of an Annex to this Agreement cannot be reached, the EEA Joint Committee shall examine all further possibilities to maintain the good functioning of this Agreement and take any decision necessary to this effect, including the possibility to take notice of the equivalence of legislation. Such a decision shall be taken at the latest at the expiry of a period of six months from the date of referral to the EEA Joint Committee or, if that date is later, on the date of entry into force of the corresponding Community legislation.

5. If, at the end of the time-limit set out in paragraph 4, the EEA Joint Committee has not taken a decision on an amendment of an Annex to this Agreement, the affected part thereof, as determined in accordance with paragraph 2, is regarded as provisionally suspended, subject to a decision to the contrary by the EEA Joint Committee. Such a suspension shall take effect six months after the end of the period referred to in paragraph 4, but in no event earlier than the date on which the corresponding EC act is implemented in the Community. The EEA Joint Committee shall pursue its efforts to agree on a mutually acceptable solution in order for the suspension to be terminated as soon as possible.

6. The practical consequences of the suspension referred to in paragraph 5 shall be discussed in the EEA Joint Committee. The rights and obligations which individuals and economic operators have already acquired under this Agreement shall remain. The Contracting Parties shall, as appropriate, decide on the adjustments necessary due to the suspension.

*Article 103*

1. If a decision of the EEA Joint Committee can be binding on a Contracting Party only after the fulfilment of constitutional requirements, the decision shall, if a date is contained therein, enter into force on that date, provided that the Contracting Party concerned has notified the other Contracting Parties by that date that the constitutional requirements have been fulfilled.

In the absence of such a notification by that date, the decision shall enter into force on the first day of the second month following the last notification.

2. If upon the expiry of a period of six months after the decision of the EEA Joint Committee such a notification has not taken place, the decision of the EEA Joint Committee shall be applied provisionally pending the fulfilment of the constitutional requirements unless a Contracting Party notifies that such a provisional application cannot take place. In the latter case, or if a Contracting Party notifies the non-ratification of a decision of the EEA Joint Committee, the suspension provided for in Article 102(5) shall take effect one month after such a notification but in no event earlier than the date on which the corresponding EC act is implemented in the Community.

**▼B***Article 104*

Decisions taken by the EEA Joint Committee in the cases provided for in this Agreement shall, unless otherwise provided for therein, upon their entry into force be binding on the Contracting Parties which shall take the necessary steps to ensure their implementation and application.

## CHAPTER 3

**HOMOGENEITY, SURVEILLANCE PROCEDURE AND SETTLEMENT OF DISPUTES**

## Section 1

**Homogeneity***Article 105*

1. In order to achieve the objective of the Contracting Parties to arrive at as uniform an interpretation as possible of the provisions of the Agreement and those provisions of Community legislation which are substantially reproduced in the Agreement, the EEA Joint Committee shall act in accordance with this Article.

2. The EEA Joint Committee shall keep under constant review the development of the case-law of the Court of Justice of the European Communities and the EFTA Court. To this end judgments of these Courts shall be transmitted to the EEA Joint Committee which shall act so as to preserve the homogeneous interpretation of the Agreement.

3. If the EEA Joint Committee within two months after a difference in the case-law of the two Courts has been brought before it, has not succeeded to preserve the homogeneous interpretation of the Agreement, the procedures laid down in Article 111 may be applied.

*Article 106*

In order to ensure as uniform an interpretation as possible of this Agreement, in full deference to the independence of courts, a system of exchange of information concerning judgments by the EFTA Court, the Court of Justice of the European Communities and the Court of First Instance of the European Communities and the Courts of last instance of the EFTA States shall be set up by the EEA Joint Committee. This system shall comprise:

- (a) transmission to the Registrar of the Court of Justice of the European Communities of judgments delivered by such courts on the interpretation and application of, on the one hand, this Agreement or, on the other hand, the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, as amended or supplemented, as well as the acts adopted in pursuance thereof in so far as they concern provisions which are identical in substance to those of this Agreement;
- (b) classification of these judgments by the Registrar of the Court of Justice of the European Communities including, as far as necessary, the drawing up and publication of translations and abstracts;
- (c) communications by the Registrar of the Court of Justice of the European Communities of the relevant documents to the competent national authorities, to be designated by each Contracting Party.

**▼B***Article 107*

Provisions on the possibility for an EFTA State to allow a court or tribunal to ask the Court of Justice of the European Communities to decide on the interpretation of an EEA rule are laid down in Protocol 34.

**Section 2****Surveillance procedure***Article 108*

1. The EFTA States shall establish an independent surveillance authority (EFTA Surveillance Authority) as well as procedures similar to those existing in the Community including procedures for ensuring the fulfilment of obligations under this Agreement and for control of the legality of acts of the EFTA Surveillance Authority regarding competition.

2. The EFTA States shall establish a court of justice (EFTA Court).

The EFTA Court shall, in accordance with a separate agreement between the EFTA States, with regard to the application of this Agreement be competent, in particular, for:

- (a) actions concerning the surveillance procedure regarding the EFTA States;
- (b) appeals concerning decisions in the field of competition taken by the EFTA Surveillance Authority;
- (c) the settlement of disputes between two or more EFTA States.

*Article 109*

1. The fulfilment of the obligations under this Agreement shall be monitored by, on the one hand, the EFTA Surveillance Authority and, on the other, the EC Commission acting in conformity with the Treaty establishing the European Economic Community ► **M135** ————— ◀ and this Agreement.

2. In order to ensure a uniform surveillance throughout the EEA, the EFTA Surveillance Authority and the EC Commission shall cooperate, exchange information and consult each other on surveillance policy issues and individual cases.

3. The EC Commission and the EFTA Surveillance Authority shall receive any complaints concerning the application of this Agreement. They shall inform each other of complaints received.

4. Each of these bodies shall examine all complaints falling within its competence and shall pass to the other body any complaints which fall within the competence of that body.

5. In case of disagreement between these two bodies with regard to the action to be taken in relation to a complaint or with regard to the result of the examination, either of the bodies may refer the matter to the EEA Joint Committee which shall deal with it in accordance with Article 111.



#### *Article 110*

Decisions under this Agreement by the EFTA Surveillance Authority and the EC Commission which impose a pecuniary obligation on persons other than States, shall be enforceable. The same shall apply to such judgments under this Agreement by the Court of Justice of the European Communities, the Court of First Instance of the European Communities and the EFTA Court.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the authority which each Contracting Party shall designate for this purpose and shall make known to the other Contracting Parties, the EFTA Surveillance Authority, the EC Commission, the Court of Justice of the European Communities, the Court of First Instance of the European Communities and the EFTA Court.

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement, in accordance with the law of the State in the territory of which enforcement is to be carried out, by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court of Justice of the European Communities, as far as decisions by the EC Commission, the Court of First Instance of the European Communities or the Court of Justice of the European Communities are concerned, or by a decision of the EFTA Court as far as decisions by the EFTA Surveillance Authority or the EFTA Court are concerned. However, the courts of the States concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

### Section 3

#### **Settlement of disputes**

#### *Article 111*

1. The Community or an EFTA State may bring a matter under dispute which concerns the interpretation or application of this Agreement before the EEA Joint Committee in accordance with the following provisions.

2. The EEA Joint Committee may settle the dispute. It shall be provided with all information which might be of use in making possible an in-depth examination of the situation, with a view to finding an acceptable solution. To this end, the EEA Joint Committee shall examine all possibilities to maintain the good functioning of the Agreement.

3. If a dispute concerns the interpretation of provisions of this Agreement, which are identical in substance to corresponding rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted in application of these two Treaties and if the dispute has not been settled within three months after it has been brought before the EEA Joint Committee, the Contracting Parties to the dispute may agree to request the Court of Justice of the European Communities to give a ruling on the interpretation of the relevant rules.

If the EEA Joint Committee in such a dispute has not reached an agreement on a solution within six months from the date on which this procedure was initiated or if, by then, the Contracting Parties to the dispute have not decided to ask for a ruling by the Court of Justice of the European Communities, a Contracting Party may, in order to remedy possible imbalances,

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- either take a safeguard measure in accordance with Article 112(2) and following the procedure of Article 113;
- or apply Article 102 *mutatis mutandis*.

4. If a dispute concerns the scope or duration of safeguard measures taken in accordance with Article 111(3) or Article 112, or the proportionality of rebalancing measures taken in accordance with Article 114, and if the EEA Joint Committee after three months from the date when the matter has been brought before it has not succeeded to resolve the dispute, any Contracting Party may refer the dispute to arbitration under the procedures laid down in Protocol 33. No question of interpretation of the provisions of this Agreement referred to in paragraph 3 may be dealt with in such procedures. The arbitration award shall be binding on the parties to the dispute.

## CHAPTER 4

## SAFEGUARD MEASURES

*Article 112*

1. If serious economic, societal or environmental difficulties of a sectorial or regional nature liable to persist are arising, a Contracting Party may unilaterally take appropriate measures under the conditions and procedures laid down in Article 113.
2. Such safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of this Agreement.
3. The safeguard measures shall apply with regard to all Contracting Parties.

*Article 113*

1. A Contracting Party which is considering taking safeguard measures under Article 112 shall, without delay, notify the other Contracting Parties through the EEA Joint Committee and shall provide all relevant information.
2. The Contracting Parties shall immediately enter into consultations in the EEA Joint Committee with a view to finding a commonly acceptable solution.
3. The Contracting Party concerned may not take safeguard measures until one month has elapsed after the date of notification under paragraph 1, unless the consultation procedure under paragraph 2 has been concluded before the expiration of the stated time-limit. When exceptional circumstances requiring immediate action exclude prior examination, the Contracting Party concerned may apply forthwith the protective measures strictly necessary to remedy the situation.

For the Community, the safeguard measures shall be taken by the EC Commission.

4. The Contracting Party concerned shall, without delay, notify the measures taken to the EEA Joint Committee and shall provide all relevant information.

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5. The safeguard measures taken shall be the subject of consultations in the EEA Joint Committee every three months from the date of their adoption with a view to their abolition before the date of expiry envisaged, or to the limitation of their scope of application.

Each Contracting Party may at any time request the EEA Joint Committee to review such measures.

*Article 114*

1. If a safeguard measure taken by a Contracting Party creates an imbalance between the rights and obligations under this Agreement, any other Contracting Party may towards that Contracting Party take such proportionate rebalancing measures as are strictly necessary to remedy the imbalance. Priority shall be given to such measures as will least disturb the functioning of the EEA.

2. The procedure under Article 113 shall apply.

PART VIII  
FINANCIAL MECHANISM

*Article 115*

With a view to promoting a continuous and balanced strengthening of trade and economic relations between the Contracting Parties, as provided for in Article 1, the Contracting Parties agree on the need to reduce the economic and social disparities between their regions. They note in this regard the relevant provisions set out elsewhere in this Agreement and its related Protocols, including certain of the arrangements regarding agriculture and fisheries.

*Article 116*

A Financial Mechanism shall be established by the EFTA States to contribute, in the context of the EEA and in addition to the efforts already deployed by the Community in this regard, to the objectives laid down in Article 115.

*Article 117***▼M268**

Provisions governing the Financial Mechanisms are set out in Protocol 38, Protocol 38a, the Addendum to Protocol 38a, Protocol 38b and the Addendum to Protocol 38b.

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PART IX  
GENERAL AND FINAL PROVISIONS

*Article 118*

1. Where a Contracting Party considers that it would be useful in the interests of all the Contracting Parties to develop the relations established by this Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Contracting Parties within the EEA Council. The latter may instruct the EEA Joint Committee to examine all the aspects of this request and to issue a report.

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The EEA Council may, where appropriate, take the political decisions with a view to opening negotiations between the Contracting Parties.

2. The agreements resulting from the negotiations referred to in paragraph 1 will be subject to ratification or approval by the Contracting Parties in accordance with their own procedures.

*Article 119*

The Annexes and the acts referred to therein as adapted for the purposes of this Agreement as well as the Protocols shall form an integral part of this Agreement.

*Article 120*

Unless otherwise provided in this Agreement and in particular in ►**M1** Protocols 41 and 43 ◀, the application of the provisions of this Agreement shall prevail over provisions in existing bilateral or multilateral agreements binding the European Economic Community, on the one hand, and one or more EFTA States, on the other, to the extent that the same subject matter is governed by this Agreement.

*Article 121*

The provisions of this Agreement shall not preclude cooperation:

- (a) within the framework of the Nordic cooperation to the extent that such cooperation does not impair the good functioning of this Agreement;
- (b) within the framework of the regional union between Switzerland and Liechtenstein to the extent that the objectives of this union are not attained by the application of this Agreement and the good functioning of this Agreement is not impaired;

**▼M135****▼B***Article 122*

The representatives, delegates and experts of the Contracting Parties, as well as officials and other servants acting under this Agreement shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

*Article 123*

Nothing in this Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions and war materials or other products indispensable for defence purposes or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;

**▼B**

- (c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

*Article 124*

The Contracting Parties shall accord nationals of EC Member States and EFTA States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of Article 34, without prejudice to the application of the other provisions of this Agreement.

*Article 125*

This Agreement shall in no way prejudice the rules of the Contracting Parties governing the system of property ownership.

*Article 126*

1. The Agreement shall apply to the territories to which the Treaty establishing the European Economic Community ►**M135** ————— ◀ is applied and under the conditions laid down in ►**M135** that Treaty ◀, and to the territories of ►**M135** ►**M187** ————— ◀ Iceland, the Principality of Liechtenstein and the Kingdom of Norway ◀.

2. Notwithstanding paragraph 1, this Agreement shall not apply to the Åland Islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Agreement with the Depository, which shall transmit a certified copy thereof to the Contracting Parties, that the Agreement shall apply to those Islands under the same conditions as it applies to other parts of Finland subject to the following provisions:

- (a) The provisions of this Agreement shall not preclude the application of the provisions in force at any given time on the Åland Islands on:
- (i) restrictions on the right for natural persons who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without permission by the competent authorities of the Islands;
  - (ii) restrictions on the right of establishment and the right to provide services by natural persons who do not enjoy regional citizenship in Åland, or by any legal person, without permission by the competent authorities of the Åland Islands.
- (b) The rights enjoyed by Ålanders in Finland shall not be affected by this Agreement.
- (c) The authorities of the Åland Islands shall apply the same treatment to all natural and legal persons of the Contracting Parties.



**▼B***Article 127*

Each Contracting Party may withdraw from this Agreement provided it gives at least 12 months' notice in writing to the other Contracting Parties.

Immediately after the notification of the intended withdrawal, the other Contracting Parties shall convene a diplomatic conference in order to envisage the necessary modifications to bring to the Agreement.

*Article 128*

1. ►**M1** Any European State becoming a member of the Community shall, and the Swiss Confederation or any European State becoming a member of EFTA may, apply to become a party to this Agreement. It shall address its application to the EEA Council. ◀

2. The terms and conditions for such participation shall be the subject of an agreement between the Contracting Parties and the applicant State. That agreement shall be submitted for ratification or approval by all Contracting Parties in accordance with their own procedures.

*Article 129*

1. This Agreement is drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Italian, Norwegian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

**▼M268**

Pursuant to the enlargements of the European Economic Area the versions of this Agreement in the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian languages shall be equally authentic.

The texts of the acts referred to in the Annexes are equally authentic in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages as published in the *Official Journal of the European Union* and shall for the authentication thereof be drawn up in the Icelandic and Norwegian languages and published in the EEA Supplement to the *Official Journal of the European Union*.

**▼B**

2. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective constitutional requirements.

It shall be deposited with the General Secretariat of the Council of the European Communities by which certified copies shall be transmitted to all other Contracting Parties.

The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Communities which shall notify all other Contracting Parties.

**▼M1**

3. This Agreement shall enter into force on the date and under the conditions provided for in the Protocol adjusting the Agreement on the European Economic Area.

**▼B**

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente acuerdo.

Til bekræftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι ἔθεσαν τὶς υπογραφὰς τοὺς στὴν παρούσα συμφωνία.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

ÞEssu til staðfestingar hafa undirritaðir fulltrúar, sem til þess hafa fullt umboð, undirritað samning þennan.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Som bevitnelse på dette har de undertegnede befullmäktigade undertegnet denne avtal.

Em fê do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente acordo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

Till bestyrkande härav har undertecknade befullmäktigade ombud undertecknat detta avtal.

Hecho en Oporto, el dos de mayo de mil novecientos noventa y dos.

Udfærdiget i Porto, den anden maj nitten hundrede og tooghalvfems.

Geschehen zu Porto am zweiten Mai neunzehnhundertzweiundneunzig.

Έγινε στο Πόρτο, στις δύο Μαΐου χίλια εννιακόσια ενενήντα δύο.

Done at Oporto on the second day of May in the year one thousand nine hundred and ninety-two.

Fait à Porto, le deux mai mil neuf cent quatre-vingt-douze.

Gjört í Oporto annan dag maímánaðar árið nítján hundruð níutíu og tvö.

Fatto a Porto, addì due maggio millenovecentonovantadue.

Gedaan te Oporto, de tweede mei negentienhonderd tweeënegentig.

Gitt i Oporte på den annen dag i mai i året nittenhundre og nitti to.

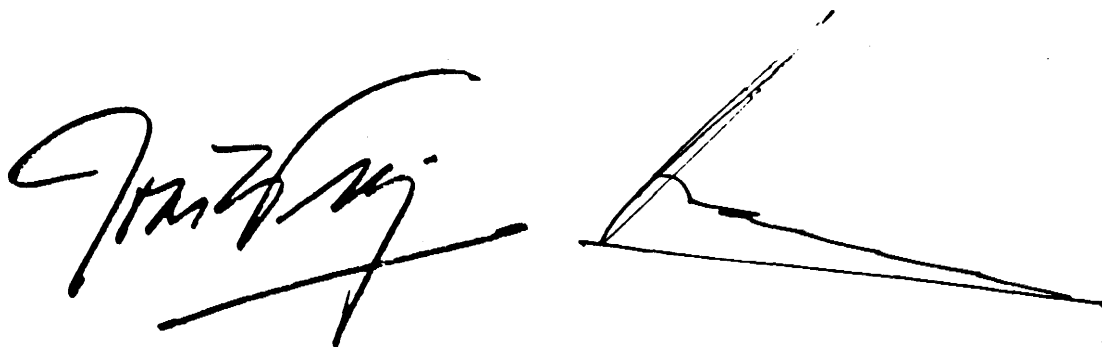
Feito no Porto, em dois de Maio de mil novecentos e noventa e dois.

Tehty portossa toisena päivänä toukokuuta tuhat yhdeksänsataayhdeksänkymmentäkaksi.

Undertecknat i Oporto de 2 maj 1992.

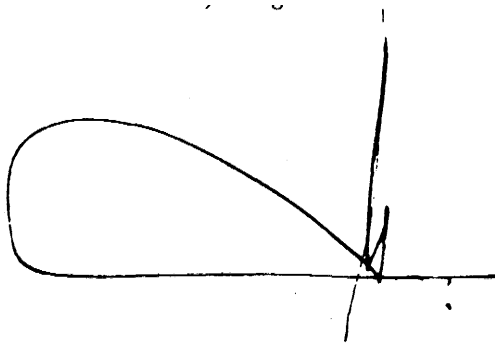
▼B

Por el Consejo y la Comisión de las Comunidades Europeas  
For Rådet og Kommissionen for De Europæiske Fællesskaber  
Für den Rat und die Kommission der Europäischen Gemeinschaften  
Για το Συμβούλιο και την Επιτροπή των Ευρωπαϊκών Κοινοτήτων  
For the Council and the Commission of the European Communities  
Pour le Conseil et la Commission des Communautés européennes  
Per il Consiglio e la Commissione delle Comunità europee  
Voor de Raad en de Commissie van de Europese Gemeenschappen  
Pelo Conselho e pela Comissão das Comunidades Europeias

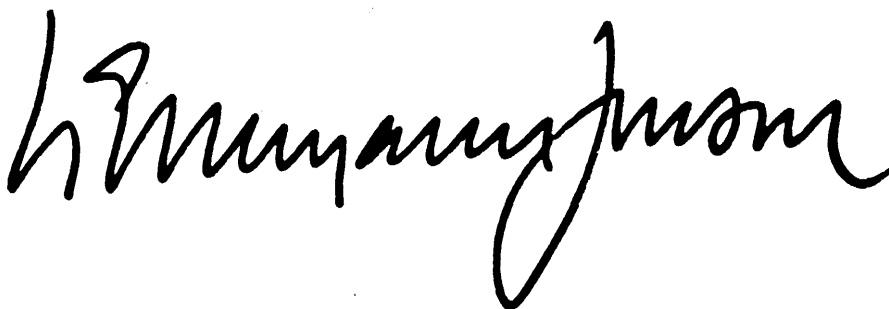


Pour le royaume de Belgique

Voor het Koninkrijk België



På Kongeriget Danmarks vegne



▼B

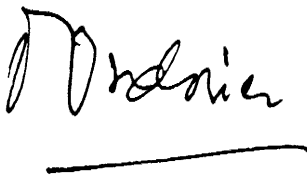
Für die Bundesrepublik Deutschland

Handwritten signature of Hans-Martin Fischer in black ink.

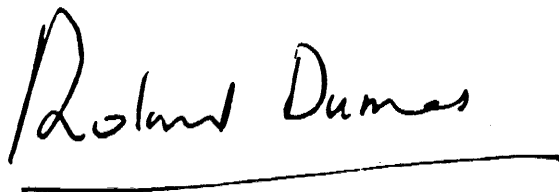
Για την Ελληνική Δημοκρατία

Handwritten signature of K.K. Koulouris in black ink.

Por el Reino de España

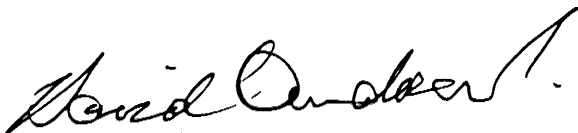
Handwritten signature of D. Doria in black ink, underlined.

Pour la République française

Handwritten signature of Roland Dumas in black ink, underlined.

Thar cheann Na hÉireann

For Ireland

Handwritten signature of David O'Donnell in black ink.

▼B

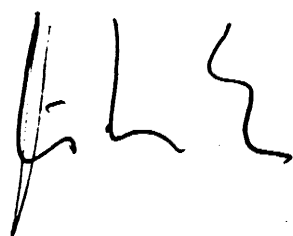
Per la Repubblica italiana

*S. De Michelis*

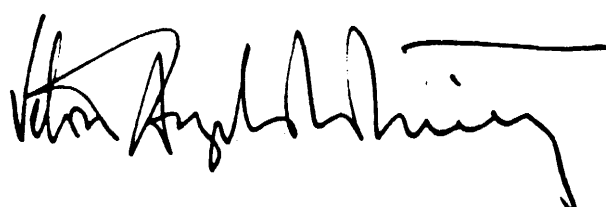
Pour le grand-duché de Luxembourg



Voor het Koninkrijk der Nederlanden

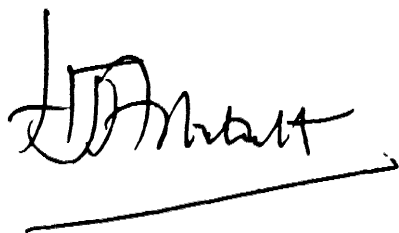


Pela República Portuguesa

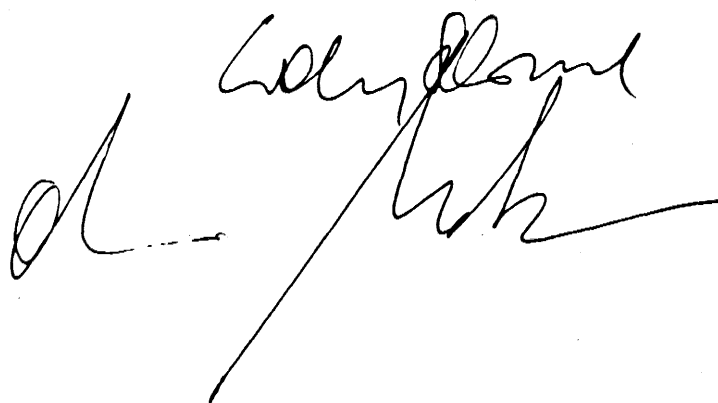


▼B

For the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, appearing to be 'J. M. M. M.', with a horizontal line drawn underneath it.

Für die Republik Österreich

A handwritten signature in black ink, appearing to be 'Wolfgang', with a large, stylized flourish below it.

Suomen tasavallan puolesta

A handwritten signature in black ink, appearing to be 'A. Holaa', with a horizontal line drawn underneath it.

Fyrir Lýðveldið Ísland

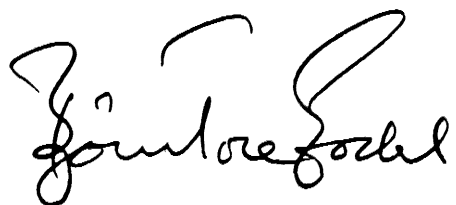
A handwritten signature in black ink, appearing to be 'Þó Baldurinn Þomilsson', with a large, stylized flourish below it.

Für das Fürstentum Liechtenstein

A handwritten signature in black ink, appearing to be 'H. H. H.', with a horizontal line drawn underneath it.

▼B

For Kongeriket Norge

A handwritten signature in black ink, appearing to read 'Jøntore Fodahl'. The script is cursive and somewhat stylized, with a large initial 'J'.

För Konungariket Sverige

A handwritten signature in black ink, appearing to read 'Kjell Larsson'. The script is cursive and somewhat stylized, with a large initial 'K'.

Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera

A handwritten signature in black ink, appearing to read 'Helmut'. The script is cursive and somewhat stylized, with a large initial 'H'.

**▼B****PROTOCOLS****PROTOCOL 1****on horizontal adaptations**

The provisions of the acts referred to in the Annexes to the Agreement shall be applicable in accordance with the Agreement and this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

**1. INTRODUCTORY PARTS OF THE ACTS**

The preambles of the acts referred to are not adapted for the purposes of the Agreement. They are relevant to the extent necessary for the proper interpretation and application, within the framework of the Agreement, of the provisions contained in such acts.

**2. PROVISIONS ON EC COMMITTEES**

Procedures, institutional arrangements or other provisions concerning EC committees contained in the acts referred to are dealt with in Articles 81, 100 and 101 of the Agreement and in Protocol 31.

**3. PROVISIONS SETTING UP PROCEDURES FOR ADAPTING/AMENDING COMMUNITY ACTS**

Where an act referred to provides for EC procedures on its adaptation, extension or amendment or for the development of new Community policies, initiatives or acts, the relevant decision-making procedures provided for in the Agreement shall apply.

**4. EXCHANGE OF INFORMATION AND NOTIFICATION PROCEDURES****▼M2**

- (a) Where an EC Member State is to submit information to the EC Commission, an EFTA State shall submit such information to the EFTA Surveillance Authority which shall pass it on to the Standing Committee on the EFTA States. The same shall apply when the transmission of information is to be carried out by the competent authorities. The EC Commission and the EFTA Surveillance Authority shall exchange information they have received from the EC Member States or from the EFTA States or from the competent authorities.

**▼B**

- (b) Where an EC Member State is to submit information to one or more other EC Member States, it shall also submit that information to the EC Commission which shall pass it on to the Standing Committee for distribution to the EFTA States.

An EFTA State shall submit corresponding information to one or more other EFTA States and to the Standing Committee which shall pass it on to the EC Commission for distribution to the EC Member States. The same shall apply when the information is to be submitted by the competent authorities.



**▼B**

(c) In areas where, for reasons of urgency, rapid transfer of information is called for, appropriate sectoral solutions providing for direct exchange of information shall apply.

(d) Functions of the EC Commission in the context of procedures for verification or approval, information, notification or consultation and similar matters shall for the EFTA States be carried out according to procedures established among them. This is without prejudice to paragraphs 2, 3 and 7. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall exchange all information regarding these matters. Any issue arising in this context may be referred to the EEA Joint Committee.

## 5. REVIEW AND REPORTING PROCEDURES

Where, according to an act referred to, the EC Commission or another EC body is to prepare a report or an assessment or the like, the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall, unless otherwise agreed, concurrently prepare, as appropriate, a corresponding report or assessment or the like, with regard to the EFTA States. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall consult each other and exchange information during the preparation of their respective reports, copies of which shall be sent to the EEA Joint Committee.

## 6. PUBLICATION OF INFORMATION

(a) Where, according to an act referred to, an EC Member State is to publish certain information on facts, procedures and the like, also the EFTA States shall, under the Agreement, publish the relevant information in a corresponding manner.

(b) Where, according to an act referred to, facts, procedures, reports and the like are to be published in the Official Journal of the European Communities, the corresponding information regarding the EFTA States shall be published in a separate EEA section <sup>(1)</sup> thereof.

## 7. RIGHTS AND OBLIGATIONS

Rights conferred and obligations imposed upon the EC Member States or their public entities, undertakings or individuals in relation to each other, shall be understood to be conferred or imposed upon Contracting Parties, the latter also being understood, as the case may be, as their competent authorities, public entities, undertakings or individuals.

## 8. REFERENCES TO TERRITORIES

Whenever the acts referred to contain references to the territory of the 'Community' or of the 'common market' the references shall for the purposes of the Agreement be understood to be references to the territories of the Contracting Parties as defined in Article 126 of the Agreement.

<sup>(1)</sup> The table of contents of the EEA section would also contain references to where the information in question concerning the EC and its Member States could be found.

**▼B**

## 9. REFERENCES TO NATIONALS OF EC MEMBER STATES

Whenever the acts referred to contain references to nationals of EC Member States, the references shall for the purposes of the Agreement be understood to be references also to nationals of EFTA States.

## 10. REFERENCES TO LANGUAGES

Where an act referred to confers upon the EC Member States or their public entities, undertakings or individuals rights or imposes obligations regarding the use of any of the official languages of the European Communities, the corresponding rights and obligations regarding the use of any of the official languages of all Contracting Parties shall be understood to be conferred or imposed upon Contracting Parties, their competent authorities, public entities, undertakings or individuals.

## 11. ENTRY INTO FORCE AND IMPLEMENTATION OF ACTS

Provisions on the entry into force or implementation of the acts referred to in the Annexes to the Agreement are not relevant for the purposes of the Agreement. The time limits and dates for the EFTA States for bringing into force and implementing acts referred to follow from ►**M1** the date of entry into force ◀ of the Agreement, as well as from provisions on transitional arrangements.

## 12. ADDRESSEES OF THE COMMUNITY ACTS

Provisions indicating that a Community act is addressed to the Member States of the Community are not relevant for the purposes of the Agreement.

▼ **M108****PROTOCOL 2****on products excluded from the scope of the agreement in accordance with article 8(3)(a)**

The following products falling within HS, Chapters 25 to 97, are excluded from the scope of the Agreement:

HS heading No	Description of products
3502	Albumins, albuminates and other albumin derivates: – Egg albumin: ex 11 – – Dried, other than unfit, or to be rendered unfit, for human consumption ex 19 – – Other egg albumin, other than unfit, or to be rendered unfit, for human consumption ex 20 – Milk albumin, including concentrates of two or more whey proteins, other than unfit, or to be rendered unfit, for human consumption
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols: – Industrial monocarboxylic fatty acids; acid oils from refining: ex 11 – – Stearic acid for animal feeding ex 12 – – Oleic acid for animal feeding ex 13 – – Tall oil fatty acids for animal feeding ex 19 – – Other for animal feeding ex 70 – Industrial fatty alcohols for animal feeding

▼ **M108****PROTOCOL 3****concerning products referred to in article 8(3)(b) of the agreement***Article 1*

1. The provisions of the Agreement shall apply to the products listed in Tables I and II, subject to the provisions of this Protocol.
2. The provisions of this Protocol shall not apply to Liechtenstein  
▶ **M153** ————— ◀.

*Article 2*

1. The products specified in Table I shall be subject to the customs duties set out in the Annexes to that Table.
2. These customs duties shall be subject to annual calendar reviews. They may be adapted by the Joint Committee taking account of the evolution of the costs among the Contracting Parties of the basic agricultural products and/or mutual concessions.

*Article 3*

1. This Protocol shall not prevent each Contracting Party from applying its system of export refunds for the goods listed in Table I, taking into account the impact of the differences in prices between the world market and the markets of the Contracting Parties for the basic agricultural products.
2. Where production refunds or direct subsidies related to the basic agricultural products used in the production of the exported products are granted, the export refund shall be reduced accordingly.

*Article 4*

The Contracting Parties shall periodically make available to each other the levels of refunds granted in respect of the basic agricultural products for which the products listed in Table I may be eligible and related changes in the agricultural policy including institutional prices.

*Article 5*

1. The Contracting Parties may not levy customs duties or charges having equivalent effect on import or grant refunds upon export of the products listed in Table II.
2. The provisions of Article 4 shall apply mutatis mutandis to the products listed in Table II.

*Article 6*

At the request of a Contracting Party, this Protocol may be reviewed by the EEA Joint Committee. Such review may involve amendments to Tables I or II relating to the extent of the products covered and the duties applicable.

▼ **M108***Article 7*

1. The Contracting Parties shall notify the EEA Joint Committee of the detailed implementing rules adopted for the application of this Protocol.

2. Any Contracting Party may at any time request a discussion in the EEA Joint Committee on the functioning of this Protocol.

*TABLE I*

HS heading No	Description of products
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
10	– Yogurt:
ex 10	– – Flavoured or containing added fruit, nuts or cocoa
90	– Other:
ex 90	– – Flavoured or containing added fruit, nuts or cocoa
0501	Human hair, unworked, whether or not washed or scoured; waste of human hair
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair
0503	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers
0507	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products
0508	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttlebone, unworked or simply prepared but not cut to shape; powder and waste thereof
0509	Natural sponges of animal origin
0510	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
40	– Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )

▼ **M108**

HS heading No	Description of products
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:
90	– Other vegetables; mixtures of vegetables:
ex 90	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
1302	Vegetables saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	– Vegetable saps and extracts:
14	– – Of pyrethrum or of the roots of plants containing rotenone
19	– – Other:
ex 19	– – – Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations
ex 19	– – – Other medicinal than intermixtures of vegetable extracts for the manufacture of beverages or of food preparations or of vanilla oleoresin
20	– Pectic substances, pectinates and pectates:
ex 20	– – Containing 5 % or more by weight of added sugar
1401	Vegetable materials of a kind used primarily for plaiting (for example bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and of lime bark)
1402	Vegetable materials of a kind used primarily as stuffing or as padding (for example kapok, vegetable hair and eel-grass), whether or not put up as a layer with or without supporting material
1403	Vegetable materials of a kind used primarily in brooms or in brushes (for example broomcorn piassava, couch-grass and istle), whether or not in hanks or bundles
1404	Vegetable products not elsewhere specified or included:
10	– Raw vegetable materials of a kind used primarily in dyeing and tanning
90	– Other
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516:
10	– Margarine, excluding liquid margarine:
ex 10	– – Containing more than 10 % but not more than 15 % by weight of milk fats
90	– Other:
ex 90	– – Containing more than 10 % but not more than 15 % by weight of milk fats
ex 90	– – Edible mixtures or preparations of a kind used as mould release preparations

▼ **M108**

HS heading No	Description of products
1520  ex 00	Glycerol, crude; glycerol waters and glycerol lyes:  For feed purpose <sup>(1)</sup>
1522  ex 00	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:  – Degras for feed purpose <sup>(1)</sup>
1702  50  90  ex 90	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:  – Chemically pure fructose  – Other, including invert sugar:  – – Chemically pure maltose
1704	Sugar confectionery (including white chocolate), not containing cocoa
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included
1902  11  19  20  ex 20  30  40	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:  – Uncooked pasta, not stuffed or otherwise prepared:  – – Containing eggs  – – Other  – Stuffed pasta, whether or not cooked or otherwise prepared:  – – Other than products containing more than 20 % by weight of sausage, meat, meat offal or blood, or any combination thereof  – Other pasta  – Couscous
1903	Tapioca and substitutes thereof prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included

▼ **M108**

HS heading No	Description of products
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
90	– Other:
ex 90	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ); palm hearts; yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006:
10	– Potatoes:
ex 10	– – In the form of flour, meal or flakes
90	– Other vegetables and mixtures or vegetables:
ex 90	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006:
20	– Potatoes:
ex 20	– – In the form of flour, meal or flakes
80	– Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised):
ex 2006	– Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
	– Nuts, ground-nuts and other seeds, whether or not mixed together:
11	– – Ground-nuts:
ex 11	– – – Peanut butter
ex 11	– – – Ground nuts, roasted
	– Other, including mixtures other than those of subheading No 2008 19:
ex 91	– – Palm hearts for feed purpose <sup>(1)</sup>
99	– – Other:
ex 99	– – – Maize (corn), other than sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )



▼ **M108**

HS heading No	Description of products
2101	<p>Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:</p> <p>– Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:</p> <p>12 – – Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:</p> <p>ex 12 – – – Containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</p> <p>20 – Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:</p> <p>ex 20 – – Containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</p> <p>30 – Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:</p> <p>ex 30 – – Other roasted coffee substitutes than roasted chicory; extracts, essences and concentrates of other roasted coffee substitutes than roasted chicory</p>
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders
2103	<p>Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:</p> <p>20 – Tomato ketchup and other tomato sauces</p> <p>30 – Mustard flour and meal and prepared mustard:</p> <p>ex 30 – – Prepared mustard containing 5 % or more by weight of added sugar</p> <p>90 – Other:</p> <p>ex 90 – – Other than mango chutney, liquid</p>
2104	Soups and broths and preparations thereof; homogenised composite food preparations
2105	Ice cream and other edible ice, whether or not containing cocoa <sup>(2)</sup>
2106	<p>Food preparations not elsewhere specified or included <sup>(3)</sup>:</p> <p>ex 2106 – Other than flavoured or coloured sugar syrups</p>
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009

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HS heading No	Description of products
2203	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher; ethyl alcohol and other spirits, denatured, of any strength spirits, liqueurs and other spirituous beverages:
20	– Ethyl alcohol and other spirits, denatured, of any strength
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages:
40	– Rum and tafía
50	– Gin and genever
60	– Vodka
70	– Liqueurs and cordials:
ex 70	– – Liqueurs containing more than 5 % by weight of added sugar
90	– Other:
ex 90	– – Aquavit
2209	Vinegar and substitutes for vinegar obtained from acetic acid
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes
2403	Other manufactured tobacco and manufactured tobacco substitutes; homogenised or reconstituted tobacco; tobacco extracts and essences
2905	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	– Other polyhydric alcohols:
43	– – Mannitol
44	– – D-glucitol (sorbitol)
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:
10	– Of a kind used in the food or drink industries
3501	Casein, caseinates and other casein derivatives; casein glues
3505	Dextrins and other modified starches (for example, pre-gelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches

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HS heading No	Description of products
3809	Finishing agents, dye carriers to accelerate the drying or fixing or dyestuffes and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:
10	– With a basis of amylaceous substances
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixture of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:
60	– Sorbitol other than that of subheading No 2905 44

(<sup>1</sup>) This split is only applicable to Norway.

(<sup>2</sup>) With regard to Iceland, the provisions of Protocol 3 shall not apply to products classified within heading No 2105.

(<sup>3</sup>) With regard to Iceland, the provisions of Protocol 3 shall not apply to preparations consisting mainly of fat and water, containing more than 15 % by weight of butter or other milkfat classified within subheading No 2106 90.

**▼ M108***ANNEX I TO TABLE I***Community Import Regime**

1. The following basic amounts will be used for the calculation of the agricultural components and the additional duties:
  - Cereal (common wheat, durum wheat, rye, barley and maize): 7,583 EUR/100 kg
  - Long grain husked rice: 25,610 EUR/100 kg
  - Whole milk powder: 126,488 EUR/100 kg
  - Skimmed-milk powder: 115,236 EUR/100 kg
  - Butter: 183,912 EUR/100 kg
  - Sugar: 40,640 EUR/100 kg
  - Molasses: 0,34 EUR/100 kg.
2. The *de minimis* quantity below which a duty will not be applied for starch/ glucose and sucrose/invert sugar/isoglucose will be 5 %.
3. The intervals of the notional quantities and the agreed quantities of agricultural raw materials to be taken into account, as well as the standard recipes used in the calculation of the customs duties, are set out in the Appendix.

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4. The customs duties for the products listed in the table below are as specified.

CN Code	Applied duty	Comments
0501 00 00	Zero	
0502 10 00	Zero	
0502 90 00	Zero	
0503 00 00	Zero	
0505 10 10	Zero	
0505 10 90	Zero	
0505 90 00	Zero	
0507 10 00	Zero	
0507 90 00	Zero	
0508 00 00	Zero	
0509 00 10	Zero	
0509 00 90	Zero	
0510 00 00	Zero	
1302 14 00	Zero	

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CN Code	Applied duty	Comments
1302 19 30	Zero	
1302 19 91	Zero	
ex 1302 20 10	18,6 %	Containing 5 % or more by weight of added sugar
ex 1302 20 90	10,9 %	Containing 5 % or more by weight of added sugar
1401 10 00	Zero	
1401 20 00	Zero	
1401 90 00	Zero	
1402 00 00	Zero	
1403 00 00	Zero	
1404 10 00	Zero	
1404 90 00	Zero	
1517 10 10	0 % + 26,1 EUR/100 kg	
1517 90 10	0 % + 26,1 EUR/100 kg	
1517 90 93	Zero	
1702 50 00	Zero	
1702 90 10	Zero	
1704 90 10	Zero	
1806 10 15	Zero	
1901 90 91	Zero	
1902 20 10	8,2 %	
2001 90 60	Zero	
ex 2006 00 38	9,12 EUR/100 kg	Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
ex 2006 00 99	9,12 EUR/100 kg	Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
2007 10 10	13,98 % + 4,07 EUR/100 kg	
2007 10 91	13,14 %	
2007 10 99	15,15 %	
2007 91 10	11,64 % + 22,31 EUR/100 kg	
2007 91 30	11,64 % + 4,07 EUR/100 kg	
2007 91 90	18,90 %	
2007 99 10	19,53 %	

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CN Code	Applied duty	Comments
2007 99 20	13,98 % + 19,11 EUR/100 kg	
2007 99 31	13,98 % + 22,31 EUR/100 kg	
2007 99 33	13,98 % + 22,31 EUR/100 kg	
2007 99 35	13,98 % + 22,31 EUR/100 kg	
2007 99 39	7 % + 22,31 EUR/100 kg	
2007 99 55	13,98 % + 4,07 EUR/100 kg	
ex 2007 99 57	13,98 % + 4,07 EUR/100 kg	Chestnut purée and paste
ex 2007 99 57	7 % + 4,07 EUR/100 kg	Other than chestnut purée and paste
2007 99 91	20,97 %	
2007 99 93	13,14 %	
2007 99 98	16,31 %	
2008 11 10	Zero	
2008 11 92	Zero	
2008 11 96	Zero	
2102 10 10	Zero	
2102 10 90	Zero	
2102 20 11	Zero	
2102 20 19	Zero	
2102 20 90	Zero	
2102 30 00	Zero	
2103 20 00	Zero	
ex 2103 30 90	Zero	Containing 5 % or more by weight of added sugar
2103 90 30	Zero	
2103 90 90	Zero	
2104 10 10	Zero	
2104 10 90	Zero	
2104 20 00	Zero	
2106 10 20	12,4 %	
2106 90 10	24,25 EUR/100 kg	
2106 90 20	16,8 % min 0,97 EUR/% vol/hl	
2106 90 92	Zero	

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CN Code	Applied duty	Comments
2202 10 00	Zero (1)	
2202 90 10	Zero (1)	
2203 00 01	Zero	
2203 00 09	Zero	
2203 00 10	Zero	
2205 10 10	Zero	
2205 10 90	Zero	
2205 90 10	Zero	
2205 90 90	Zero	
2207 20 00	9,9 EUR/hl	
2208 40 11	Zero	
2208 40 31	Zero	
2208 40 39	Zero	
2208 40 51	Zero	
2208 40 91	Zero	
2208 40 99	Zero	
2208 50 11	Zero	
2208 50 19	Zero	
2208 50 91	Zero	
2208 50 99	Zero	
2208 60 11	Zero	
2208 60 19	Zero	
2208 60 91	Zero	
2208 60 99	Zero	
2208 70 10 11	Zero	Containing more than 5 % by weight of added sugar
2208 70 90 11	Zero	Containing more than 5 % by weight of added sugar
2208 90 56 10	Zero	Aquavit
2208 90 77 10	Zero	Aquavit
2209 00 11	3,10 EUR/hl	
2209 00 19	2,33 EUR/hl	

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CN Code	Applied duty	Comments
2209 00 91	2,49 EUR/hl	
2209 00 99	1,50 EUR/hl	
2402 10 00	12,60 %	
2402 20 10	Zero	
2402 20 90	27,95 %	
2402 90 00	27,95 %	
2403 10 10	36,35 %	
2403 10 90	36,35 %	
2403 91 00	8,05 %	
2403 99 10	20,2 %	
2403 99 90	Zero	
3302 10 21	5,8 %	
3501 10 10	Zero	
3501 10 50 10	Zero	Of a water content of more than 50 % by weight
3501 10 50 90	2,9 %	Of a water content not exceeding 50 % by weight
3501 10 90	8,7 %	
3501 90 10	8,1 %	
3501 90 90	6,2 %	
3505 10 50	7,5 %	

(<sup>1</sup>) The zero rate is temporarily suspended. For Iceland, the preferential arrangement provided for by Protocol No 2 to the bilateral Free Trade Agreement between the European Community and the Republic of Iceland shall apply (zero duty rate). For Norway, Protocol 2 to the bilateral Free Trade Agreement between the European Community and the Kingdom of Norway will be adapted to include a duty free quota on imports of these goods originating in Norway into the Community.

5. The *ad valorem* part of the customs duties for the following products is 0 %:

0403 10 51 to 0403 10 59	1704 90 30 to 1704 90 99	1806 90 11 to 1806 90 50
0403 10 91 to 0403 10 99	1806 10 20 to 1806 10 90	1806 90 60 10 1806 90 60 90
0403 90 71 to 0403 90 79	1806 20 10 to 1806 20 50	1806 90 70 10 1806 90 70 90
0403 90 91 to 0403 90 99	1806 20 70 1806 20 80	1806 90 90 11 1806 90 90 19
0710 40 00	1806 20 95	1806 90 90 91
0711 90 30	1806 31 00	1806 90 90 99
1704 10	1806 32	1901 10 00



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1901 90 11	1905	2101 30 99
1901 90 19	2001 90 30	2105 00
1901 90 99	2001 90 40	2106 10 80
1902 11 00	2004 10 91	2106 90 98
1902 19	2004 90 10	2202 90 91 to
1902 20 91	2005 20 10	2202 90 99
1902 20 99	2005 80 00	3302 10 29
1902 30	2008 99 85	3505 10 10
1902 40	2008 99 91	3505 10 90
1903 00 00	2101 12 98 91	3505 20
1904	2101 20 98 90	3809 10.
	2101 30 19	

6. The *ad valorem* part of the customs duties for the following products is 5,8 %:

2905 44 3824 60.

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7. The *ad valorem* part of the customs duties for the following product is 7,8 %:

2905 43 00.

**▼ M142**

8. Tariff codes set out in this Annex refer to those applicable in the Community on 1 January 2004. The terms of this Annex will not be affected by any changes that may be made in the tariff nomenclature.

▼ **M108***Appendix***Quantities and recipes referred to in paragraph 3***(per 100 kg of goods)*

Quantities to be taken into account within the bands — milk and milk products				
Milk fat (% of weight)	Milk prot. (% of weight)	Skimmed-milk powder (kg)	WMP (kg)	Butter (kg)
0–1,5	0–2,5	0	0	0
	2,5–6	14	0	0
	6–18	42	0	0
	18–30	75	0	0
	30–60	146	0	0
	60->	208	0	0
1,5–3	0–2,5	0	0	3
	2,5–6	14	0	3
	6–18	42	0	3
	18–30	75	0	3
	30–60	146	0	3
	60->	208	0	3
3–6	0–2,5	0	0	6
	2,5–12	12	20	0
	12->	71	0	6
6–9	0–4	0	0	10
	4–15	10	32	0
	15->	71	0	10
9–12	0–6	0	0	14
	6–18	9	43	0
	18->	70	0	14
12–18	0–6	0	0	20
	6–18	0	56	2
	18->	65	0	20
18–26	0–6	0	0	29
	6->	50	0	29
26–40	0–6	0	0	45
	6->	38	0	45
40–55	0	0	0	63
55–70	0	0	0	81
70–85	0	0	0	99
85->	0	0	0	117

*(per 100 kg of goods)*

Quantities to be taken into account within the bands — other than milk products			
Banding	To be applied		
	White sugar (kg)	Common wheat (kg)	Maize (kg)
Sucrose, invert sugar and/or isoglucose			
0–5	0		
5–30	24		
30–50	45		
50–70	65		
70->	93		
Starch/glucose			
0–5		0	0
5–25		22	22
25–70		47	47
50–75		74	74
75->		101	101



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Standard recipes used in the calculation of customs duties upon importation into the Community

CN Code	Comm- on wheat	Durum wheat	Rye	Barley	Maize	Rice	White sugar	Molass- es	Skimm- ed-milk powder	Whole- milk powder	Butter
	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg
1902 20 99		116									
1902 30 10		167									
1902 30 90		66									
1902 40 10		167									
1902 40 90		66									
1903 00 00					161						
1904 10 10					213						
1904 10 30						174					
1904 10 90		53		53	53	53					
1904 20 91					213						
1904 20 95						174					
1904 20 99		53		53	53	53					
1904 90 10						174					
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1905 10 00			140								
1905 20 10	44		40				25				
1905 20 30	33		30				45				
1905 20 90	22		20				65				
1905 90 10	168										
1905 90 20					644						
2001 90 30					100 (1)						
2001 90 40					40 (1)						
2001 90 10					100 (1)						
2005 80 00					100 (1)						
2008 99 85					100 (1)						
2008 99 91					40 (1)						
2101 30 19				137							

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Standard recipes used in the calculation of customs duties upon importation into the Community

CN Code	Comm- on wheat	Durum wheat	Rye	Barley	Maize	Rice	White sugar	Molass- es	Skimm- ed-milk powder	Whole- milk powder	Butter
	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg
2101 30 99				245							
2102 10 31								425			
2102 10 39								125			
2105 00 10							25		10		
2105 00 91							20			23	
2105 00 99							20			35	
2202 90 91							10		8		
2202 90 95							10			6	
2202 90 99							10			13	
2905 43 00							300				
2905 44 11					172						
2905 44 19							90				
2905 44 91					245						
2905 44 99							128				
3505 10 10					189						
3505 10 90					189						
3505 20 10					48						
3505 20 30					95						
3505 20 50					151						
3505 20 90					189						
3809 10 10					95						
3809 10 30					132						
3809 10 50					161						
3809 10 90					189						
3824 60 11					172						
3824 60 19							90				

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Standard recipes used in the calculation of customs duties upon importation into the Community

CN Code	Comm- on wheat	Durum wheat	Rye	Barley	Maize	Rice	White sugar	Molass- es	Skimm- ed-milk powder	Whole- milk powder	Butter
	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg	kg
3824 60 91					245						
3824 60 99							128				

(<sup>1</sup>) For 100 kg of drained sweet potatoes or maize.

(<sup>2</sup>) For the goods containing by weight 3 % or more but less than 6 % of milkfat, the additional code 6920 is applicable.

(<sup>3</sup>) For durum wheat, pasta, not containing or containing by weight not more than 3 % of other cereals, the additional code 6921 is applicable.

(<sup>4</sup>) For other goods under this subheading than durum wheat, pasta, not containing or containing by weight not more than 3 % of other cereals, the additional code 6922 is applicable.

▼ **M108***ANNEX II TO TABLE I***Icelandic Import Regime**

1. The customs duties applicable to the processed agricultural products specified in Table I shall be zero, except for the following products to which the applicable customs duties (ISK/kg) are as specified:

Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:	
0403.1011	– Yogurt containing cocoa	53
0403.1012	– Yogurt containing fruit or nuts	53
0403.1013	– Yogurt, flavoured, n.e.s.	53
0403.1021	– Yogurt as beverage containing cocoa	51
0403.1022	– Yogurt as beverage containing fruit or nuts	51
ex 0403.1029	– Yogurt as beverage, flavoured, n.e.s.	51
0403.9011	– Other containing cocoa	45
0403.9012	– Other containing fruit or nuts	45
0403.9013	– Other, flavoured, n.e.s.	45
0403.9021	– Other as beverage containing cocoa	45
0403.9022	– Other as beverage containing fruit or nuts	45
ex 0403.9029	– Other as beverage, flavoured, n.e.s.	45
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516:	
1517.1001	– Margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats	88
1517.1001	– Other than margarine, excluding liquid margarine, containing more than 10 % but not more than 15 % by weight of milk fats	88
1806	Chocolate and other food preparations containing cocoa: – Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:	
1806.2003	– – Cocoa powder, excluding products of heading No 1901, containing by weight 30 % or more of fresh milk powder and/or skimmed-milk powder, whether or not containing added sugar or other sweetening matter, but not mixed with other substances	109

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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
1806.2004	-- Cocoa powder, excluding products of heading No 1901, containing by weight less than 30 % of fresh milk powder and/or skimmed-milk powder, whether or not containing added sugar or other sweetening matter, but not mixed with other substances	39
1806.2005	-- Other preparations, excluding products of heading No 1901, containing by weight 30 % or more of fresh milk powder and/or skimmed-milk powder	109
1806.2006	-- Other preparations, excluding products of heading No 1901, containing by weight less than 30 % of fresh milk powder and/or skimmed-milk powder	39
	-- Other in blocks, slabs or bars:	
1806.3101	-- Filled chocolate in slabs or bars	51
1806.3109	-- Other filled in blocks, slabs and bars	51
1806.3202	-- Not filled chocolate containing cocoa paste, sugar, cocoa butter and milk powder, in slabs or bars	47
1806.3203	-- Not filled imitation chocolate in slabs or bars	39
1806.3209	-- Other not filled in blocks, slabs and bars	21
	-- Other:	
	-- Substances for the manufacture of beverages:	
1806.9011	-- -- Prepared substances for beverages, with a basis of goods of headings Nos 0401 to 0404, containing by weight 5 % or more of cocoa powder calculated on a totally defatted basis, n.e.s., sugar or other sweetening matter, in addition to other minor ingredients and flavouring matter	22
	-- Other than substances for the manufacture of beverages:	
1806.9022	-- -- Food specially prepared for infants and for dietetic purposes	18
1806.9023	-- -- Easter eggs	48
1806.9024	-- -- Ice-cream sauces and dips	39
1806.9025	-- -- Coated or covered, such as raisins, nuts, 'puffed' cereals, liquorice, caramels and jellies	53
1806.9026	-- -- Chocolate creams (konfekt)	48
1806.9028	-- -- Cocoa powder, excluding products of heading No 1901, containing by weight 30 % or more of fresh milk powder and/or skimmed-milk powder, whether or not containing added sugar or other sweetening matter, but not mixed with other substances	118



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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
1806.9029	--- Cocoa powder, excluding products of heading No 1901, containing by weight less than 30 % of fresh milk powder and/or skimmed-milk powder, whether or not containing added sugar or other sweetening matter, but not mixed with other substances	43
1806.9039	--- Other	47
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: – Mixes and doughs for the preparation of bakers' wares of heading No 1905, containing a total of 3 % or more of fresh milk powder, skimmed-milk powder, eggs, milkfat (such as butter), cheese or meat:	
1901.2012	-- For the preparation of gingerbread and the like of heading No 1905.2000	25
1901.2013	-- For the preparation of sweet biscuits of headings Nos 1905.3011 and 1905.3029, including cookies	17
1901.2014	-- For the preparation of ginger snaps of heading No 1905.3021	29
1901.2015	-- For the preparation of waffles and wafers of heading No 1905.3030	10
1901.2016	-- For the preparation of rusks, toasted bread and similar toasted products of heading No 1905.4000	15
1901.2017	-- For the preparation of bread of heading No 1905.9011 with filling based on butter or other dairy products	39
1901.2018	-- For the preparation of bread of heading No 1905.9019	5
1901.2019	-- For the preparation of plain biscuits of heading No 1905.9020	5
1901.2022	-- For the preparation of cakes and pastry of heading No 1905.9040	33
1901.2023	-- Mixes and doughs, containing meat, for the preparation of pies, including pizza, of heading No 1905.9051	97
1901.2024	-- Mixes and doughs, containing ingredients other than meat, for the preparation of pizza and the like of heading No 1905.9059	53
1901.2029	-- For the preparation of products of heading No 1905.9090	43

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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:	
1902.1100	<ul style="list-style-type: none"> <li>– Uncooked pasta, not stuffed or otherwise prepared, containing eggs</li> <li>– Stuffed pasta, whether or not cooked or otherwise prepared:</li> </ul>	8
1902.2022	<ul style="list-style-type: none"> <li>– – Stuffed with preparations of sausages, meat, meat offal or blood or mixtures thereof in a proportion of 3 % but not more than 20 % by weight of sausages, meat, meat offal or blood or mixtures thereof</li> </ul>	41
1902.2031	<ul style="list-style-type: none"> <li>– – Stuffed with cheese in a proportion of more than 3 % by weight of cheese</li> </ul>	35
1902.2041	<ul style="list-style-type: none"> <li>– – Stuffed with meat and cheese in a proportion of more than 20 % by weight of meat and cheese</li> </ul>	142
1902.2042	<ul style="list-style-type: none"> <li>– – Stuffed with meat and cheese in a proportion of 3 % but not more than 20 % by weight of meat and cheese</li> <li>– Other pasta:</li> </ul>	41
1902.3021	<ul style="list-style-type: none"> <li>– – With sausages, meat, meat offal or blood or mixtures thereof in a proportion of 3 % but not more than 20 % by weight</li> </ul>	41
1902.3031	<ul style="list-style-type: none"> <li>– – With cheese in a proportion of more than 3 % by weight</li> </ul>	35
1902.3041	<ul style="list-style-type: none"> <li>– – With meat and cheese in a proportion of 3 % but not more than 20 % by weight</li> </ul>	41
1902.4021	<ul style="list-style-type: none"> <li>– Couscous with sausages, meat, meat offal or blood or mixtures thereof in a proportion of 3 % but not more than 20 % by weight</li> </ul>	41
1903	Tapioca and substitutes thereof prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms:	
1903.0001	<ul style="list-style-type: none"> <li>– In retail packings of 5 kg or less</li> </ul>	Zero
1903.0009	<ul style="list-style-type: none"> <li>– Other than in retail packings of 5 kg or less</li> </ul>	Zero
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals [other than maize (corn)] in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked or otherwise prepared, not elsewhere specified or included: – Other:	
1904.9001	<ul style="list-style-type: none"> <li>– – Containing meat in a proportion of 3 % but not more than 20 % by weight</li> </ul>	42

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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:	
1905.2000	– Gingerbread and the like  – Sweet biscuits; waffles and wafers coated or covered with chocolate or with fondants containing cocoa:	83
1905.3011	– – Sweet biscuits (including cookies)	17
1905.3019	– – Other than sweet biscuits  – Sweet biscuits; waffles and wafers not coated or covered with chocolate or with fondants containing cocoa: – – Sweet biscuits (including cookies):	16
1905.3021	– – – Ginger snaps	31
1905.3022	– – – Sweet biscuits and cookies, containing less than 20 % of sugar	23
1905.3029	– – – Other than sweet biscuits and cookies	19
1905.3030	– – Other	11
1905.4000	– Rusks, toasted bread and similar toasted products  – Other: – – Bread:	16
1905.9011	– – – With a filling consisting essentially of butter or other dairy products (for example, garlic butter)	39
1905.9019	– – – Other	5
1905.9020	– – Plain biscuits	5
1905.9040	– – Cakes and pastry  – – Pies, including pizza:	35
1905.9051	– – – Containing meat	97
1905.9059	– – – Other	53
1905.9090	– – Other	45
2103	Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: – Other than soya sauce, tomato ketchup and other tomato, mustard flour and meal and prepared mustard sauces:	

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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
2103.9020	-- Mayonnaise	19
2103.9030	-- Sauces of oil n.e.s. (for example remoulades sauces)	19
2103.9051	-- Containing meat in a proportion of more than 20 % by weight	97
2103.9052	-- Containing meat in a proportion of 3 % or more but not more than 20 % by weight	52
2104	Soups and broths and preparations thereof; homogenised composite food preparations: -- Soups and broths and preparations thereof:	
2104.1001	-- Preparations of vegetable soups with a basis of flour, meal, starch or malt extract	3
2104.1002	-- Other soup powder in packings of 5 kg or more	31
2104.1003	-- Canned fish soups	27
	-- Other soups:	
2104.1011	-- -- Containing meat in a proportion exceeding 20 % by weight	78
2104.1012	-- -- Containing meat in a proportion of 3 % but not exceeding 20 % by weight	44
2104.1019	-- -- Other	21
	-- Other:	
2104.1021	-- -- Containing meat in a proportion exceeding 20 % by weight	78
2104.1022	-- -- Containing meat in a proportion of 3 % but not exceeding 20 % by weight	44
2104.1029	-- -- Other	21
	-- Homogenised composite food preparations:	
2104.2001	-- Containing meat in a proportion exceeding 20 % by weight	97
2104.2002	-- Containing meat in a proportion of 3 % but not exceeding 20 % by weight	51
2104.2003	-- Containing fish, crustaceans, molluscs or other aquatic invertebrates	24
2104.2009	-- Other	24
2106	Food preparations not elsewhere specified or included: -- Other:	
	-- Powder for making desserts:	
2106.9041	-- -- In retail packings of 5 kg or less, containing milk powder, egg white or egg yolks	67

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Icelandic Tariff Code	Description of products	Applied duty (ISK/kg)
2106.9048	— — — Other, containing milk powder, egg white or egg yolks	80
2106.9049	— — — Other, not containing milk powder, egg white or egg yolks	67
2106.9064	— — Containing meat in a proportion of 3 % up to and including 20 % by weight	41
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009: — Other: — — Of dairy products with other ingredients, provided that the dairy products are 75 % or more by weight excluding packings:	
2202.9011	— — — In packings of paperboard	41
2202.9012	— — — In disposable packings of steel	41
2202.9013	— — — In disposable packings of aluminium	41
2202.9014	— — — In disposable packings of glass exceeding 500 ml	41
2202.9015	— — — In disposable packings of glass not exceeding 500 ml	41
2202.9016	— — — In disposable packings of plastics, coloured	41
2202.9017	— — — In disposable packings of plastics, not coloured	41
2202.9019	— — — Other	41

- Tariff codes set out in this Annex refer to those applicable in Iceland on 1 July 2001. The terms of this Annex will not be affected by any changes that may be made in the tariff nomenclature.
- This Protocol shall not apply to the following products:

HS code	Description of products
2105	Ice cream and other edible ice, whether or not containing cocoa
2106	Food preparations not elsewhere specified or included:
.90	— Other:
ex .90	— — Preparations consisting mainly of fat and water, containing more than 15 % by weight of butter or other milkfat

- The temporary arrangement set out in paragraph 3 shall be taken up for a review by the Contracting Parties before the end of 2007.

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*ANNEX III TO TABLE I*  
**Norwegian Import Regime**

1. The following reference rates (NOK/kg) of the agricultural raw materials will be used for the calculation of the duties for the processed agricultural products, except as provided for in paragraph 6:

	Matrix <sup>(a)</sup>	Standard recipes	Actual content
Whole milk powder (*)	11,43	11,43	11,43
Skimmed-milk powder (*)	12,16	12,16	12,16
Butter (*)	12,74	12,74	12,74
Milk for yogurt	(b)	3,01	3,01
Milk for beverages	(b)	2,23	2,23
Liquid whole milk	(b)	—	1,43
Liquid skimmed milk	(b)	—	1,07
Condensed milk fat	(b)	—	4,98
Condensed milk skimmed	(b)	—	4,72
Milk powder 20 % fat	(b)	—	11,41
Buttermilk powder	(b)	—	11,93
Cream	(b)	—	4,48
Cream mixture	(b)	—	5,33
Heavy sour cream	(b)	—	6,69
Cream powder	(b)	—	10,77
Whey powder	(b)	—	3,00
Caseinates	(b)	—	33,47
Milk albumin	(b)	—	33,47
Wheat flour (*)	1,96	1,96	1,96
Rye flour	1,96	2,16	1,96
Durum flour	1,96	1,32	1,96
Barley flour	1,96	—	1,96
Rye wheat flour	1,96	—	1,96
Maize flour	0	—	0
Rice flour	0	—	0
Flour of other cereals	0	—	0
Common wheat	1,52	—	1,52
Durum wheat	0,98	—	0,98
Barley	1,37	—	1,37

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	Matrix <sup>(a)</sup>	Standard recipes	Actual content
Oats	1,17	—	1,17
Rye	1,46	—	1,46
Rye wheat	1,46	—	1,46
Maize	0	—	0
Other cereals	0	—	0
Wheat bran	1,96	—	1,96
Oat bran	1,96	—	1,96
Rolled oats	1,96	—	1,96
Wheat malt	0	—	0
Barley malt	0	—	0
Wheat gluten	0	—	0
Rice	0	—	0
Potato starch (*)	4,41	4,41	4,41
Other starch (*)	4,41	—	4,41
Modified starch	4,41	—	4,41
Glucose and glucose syrup	4,41	4,41	4,41
Sugar	0	—	0
Maltodextrine	0	—	0
Potatoes	0,81	—	0,81
Flour and flakes of potatoes	3,75	12,01	12,01
Beef meat, boneless (14 % fat) (*)	25,89	25,89	25,89
Pig meat (23 % fat)	19,23	19,23	19,23
Sheep meat	8,63	—	8,63
Poultry meat	3,02	—	3,02
Fats other than butter	0 <sup>(c)</sup>	—	0
Frozen raspberries (*)	4,29 <sup>(c)</sup>	—	4,29 <sup>(c)</sup>
Raspberry concentrate	22,22 <sup>(c)</sup>	—	22,22 <sup>(c)</sup>
Frozen blackcurrants	0 <sup>(c)</sup>	—	0 <sup>(c)</sup>
Blackcurrant concentrate	0 <sup>(c)</sup>	—	0 <sup>(c)</sup>
Frozen strawberries	4,45 <sup>(c)</sup>	4,45 <sup>(c)</sup>	4,45 <sup>(c)</sup>
Strawberry concentrate	23,05 <sup>(c)</sup>	—	23,05 <sup>(c)</sup>
Apple pulp	0	—	0
Apple concentrate	0	—	0
Cheese (*)	20,08	20,08	20,08

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	Matrix <sup>(a)</sup>	Standard recipes	Actual content
Cheese powder	12,45	—	12,45
Whole egg powder (*)	45,37	45,37	45,37
Eggs in shell	9,48	—	9,48
Preserved egg yolks (liquid egg yolks)	26,90	26,90	26,90
Egg-yolk powder	56,81	—	56,81
Whole egg paste (whole egg not in shell)	9,32	9,32	9,32
Liquid albumen	0	—	0
Albumen in powder	0	—	0

(a) The reference rates for the agricultural raw materials indicated with an asterisk (\*) are those on which duties are calculated for the processed agricultural products subject to the matrix system — the other reference rates for the raw materials to be declared under this heading are those resulting from the application of the conversion coefficients.

(b) The matrix reference rates for these raw materials will depend on the actual milk fat and milk protein content in accordance with the conversion coefficient.

(c) The reference rates for these raw materials will be subject to annual joint review before 15 June. Such joint reviews will take account of the market prices, the market situation, Norwegian production and imports to Norway.

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- Tariff codes set out in this Annex refer to those applicable in Norway on 1 January 2004. The terms of this Annex will not be affected by any changes that may be made in the tariff nomenclature.

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- The *de minimis* quantity below which a duty will not be applied for flour, starch and/or glucose will be 5 %.
- The *de minimis* quantity below which a duty will not be applied for the additional raw materials (meat, cheese, eggs and soft fruits (frozen raspberries, frozen blackcurrants and frozen strawberries)) will be 3 %. In calculating the duty, fresh soft fruits will be assimilated to frozen on the basis of a one-to-one conversion.
- The intervals of the notional quantities and the agreed quantities of agricultural raw materials to be taken into account, as well as the standard recipes used in the calculation of the customs duties, are set out in the Appendix.
- The duties for the following products will be calculated according to the reference rates (NOK/kg) of the agricultural raw materials listed in paragraph 1 reduced by 7,2 %:

Norwegian Tariff Code	Description of products
19.04	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); ► <b>M142</b> cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included ◀: — Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals:
.2010	— — Preparations of the Müsli type, based on unroasted cereal flakes



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Norwegian Tariff Code	Description of products
21.04	Soups and broths and preparations thereof; homogenised composite food preparations: – Soups and broths and preparations thereof: – – In airtight containers:
.1020	– – – Vegetable soup, whether or not pre-cooked, containing neither meat nor meat extracts
.1030	– – – Fish soup containing 25 % or more by weight of fish
.1040	– – – Other  – – Other:
.1050	– – – Containing meat or meat extracts
.1060	– – – Fish soup containing 25 % or more by weight of fish
.1090	– – – Other

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7. The customs duties for the products listed in the table below are as specified.

Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
05.01	Human hair, unworked, whether or not washed or scoured; waste of human hair	Zero
05.02	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair	Zero
05.03	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material	Zero
05.05	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers	Zero
05.07	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products	Zero
05.08	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
05.09	Natural sponges of animal origin	Zero
05.10	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved	Zero
07.10	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:	
	– Sweet corn:	
.4010	– – For feed purpose	1,73
.4090	– – Other	Zero
07.11	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption:	
	– Other vegetables; mixtures of vegetables:	
	– – Sweet corn:	
.9011	– – – For feed purpose	1,73
.9020	– – – Other	Zero
13.02	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:	
	– Vegetable saps and extracts:	
.1400	– – Of pyrethrum or of the roots of plants containing rotenone	Zero
	– – Other:	
.1903	– – – Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations	Zero
.1904	– – – For therapeutic or prophylactic uses (medicinal)	Zero
	– Pectic substances, pectinates and pectates	
ex .2000	– – Containing 5 % or more by weight of added sugar	Zero
14.01	Vegetable materials of a kind used primarily for plaiting (for example, bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and lime bark)	Zero
14.02	Vegetable materials of a kind used primarily as stuffing or as padding (for example, kapok, vegetable hair and eel-grass), whether or not put up as a layer with or without supporting material	Zero
14.03	Vegetable materials of a kind used primarily in brooms or in brushes (for example, broomcorn, piassava, couch-grass and istle), whether or not in hanks or bundles	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
14.04	Vegetable products not elsewhere specified or included:	
.1000	– Raw vegetable materials of a kind used primarily in dyeing and tanning	Zero
.9000	– Other	Zero
15.17	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 15.16:	
	– Margarine, excluding liquid margarine:	
	– – Other:	
	– – – Animal:	
.1021	– – – – Containing more than 10 % but not more than 15 % by weight of milk fats	14,5 %
	– – – Vegetable:	
.1031	– – – – Containing more than 10 % but not more than 15 % by weight of milk fats	14,5 %
	– Other:	
	– – Other:	
	– – – Liquid margarine:	
.9032	– – – – Containing more than 10 % but not more than 15 % by weight of milk fats	14,5 %
	– – – Edible liquid mixtures of animal and vegetable oils consisting essentially of vegetable oils:	
.9041	– – – – Containing more than 10 % but not more than 15 % by weight of milk fats	10,2 %
	– – – Other:	
.9091	– – – – Containing more than 10 % but not more than 15 % by weight of milk fats	Zero
ex .9098	– – – – Edible mixtures or preparations of a kind used as mould release preparations	Zero
15.20	Glycerol, crude; glycerol waters and glycerol lyes:	
.0010	– For feed purpose	3,79
15.22	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes:	
.0011	– For feed purpose	3,79

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
17.02	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar, syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel: – Chemically pure fructose:	
.5010	– – For feed purpose	1,37
.5090	– – Other – Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50 % by weight of fructose:	Zero
ex .9022	– – Chemically pure maltose for feed purpose	1,37
ex .9022	– – Chemically pure maltose not for feed purpose	Zero
18.06	Chocolate and other food preparations containing cocoa:	
.1000	– Cocoa powder, containing added sugar or other sweetening matter	Zero
19.01	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included: – Preparations for infant use, put up for retail sale:	
.1010	– – Of goods of headings 04.01 to 04.04 – Other:	5,10 <sup>(61)</sup>
.9010	– – Malt extract	Zero
19.04	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked or otherwise prepared, not elsewhere specified or included: – Prepared foods obtained by the swelling or roasting of cereals or cereal products:	
.1010	– – ‘Corn flakes’ – – Other:	Zero
.1091	– – – Popcorn	Zero
.1099	– – – Other – Other: – – Pre-cooked rice not containing any added ingredients:	Zero
.9010	– – – For feed purpose	1,11
.9020	– – – Other	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
19.05	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:	
.2000	– Gingerbread and the like	0,75
20.01	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid: – Other: – – Vegetables: – – – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ):	
.9031	– – – – For feed purpose	1,73
.9041	– – – – Other – – – Other:	Zero
.9062	– – – – Palm hearts	2,22
.9063	– – – – Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	2,22
20.04	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 20.06: – Other vegetables and mixtures of vegetables: – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ):	
.9011	– – – For feed purpose	1,73
.9020	– – – Other	Zero
20.05	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 20.06: – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ):	
.8010	– – For feed purpose	1,73
.8090	– – Other	Zero
20.06	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised): – Other products:	
ex .0031	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ) with a sugar content exceeding 13 % by weight for feed purpose	1,94
ex .0031	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ) with a sugar content exceeding 13 % by weight not for feed purpose	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
ex .0091	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ) with a sugar content not exceeding 13 % by weight for feed purpose	1,94
ex .0091	– – Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ) with a sugar content not exceeding 13 % by weight not for feed purpose	Zero
20.07	Jams, fruit jellies, marmalades, fruit or nut puree and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter: – Homogenised preparations:	
.1001	– – Containing added sugar or sweetening matter	5,30
ex .1009	– – Other, not containing sugar or sweetening matter, of raw materials other than strawberries, blackcurrant and raspberries	3,28
ex .1009	– – Other – Other: – – Citrus fruit:	4,55
.9110	– – – Containing added sugar or sweetening matter	Zero
.9190	– – – Other – – Other: – – – Containing added sugar or sweetening matter:	Zero
.9902	– – – – Of apricots, mangos, kiwis, peaches or mixtures thereof	Zero
ex .9903	– – – – Of lingonberries ( <i>Vaccinium vitis-idaea</i> ), blueberries ( <i>Vaccinium myrtillus</i> ), other berries of the species <i>Vaccinium</i> or cloudberry (Norwegian tariff line 0810.9010), or mixtures of these berries	1,76
ex .9903	– – – – Other – – – Other:	5,30
.9907	– – – – Of apricots, mangos, kiwis, peaches or mixtures thereof	Zero
ex .9908	– – – – Of raw materials other than strawberries, blackcurrant and raspberries	1,76
ex .9908	– – – – Other	5,30
20.08	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included: – Nuts, ground-nuts and other seeds, whether or not mixed together: – – Ground-nuts:	
.1110	– – – Peanut butter – – – Other:	Zero
.1180	– – – – For feed purpose	1,69

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
.1191	<ul style="list-style-type: none"> <li>— — — Other</li> <li>— Other, including mixtures other than those of subheading 2008.19: <ul style="list-style-type: none"> <li>— Palm hearts:</li> </ul> </li> </ul>	Zero
.9110	<ul style="list-style-type: none"> <li>— — For feed purpose</li> <li>— Other:</li> </ul>	4,67
ex .9903	<ul style="list-style-type: none"> <li>— — — Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>) for feed purpose</li> </ul>	2,67
21.01	<p>Extracts, essences and concentrates, of coffee, tea or mate and preparations with a basis of these products or with a basis of coffee, tea or mate; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:</p> <ul style="list-style-type: none"> <li>— Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:</li> <li>— Preparations with a basis of extracts, essences or concentrates or with a basis of coffee</li> </ul>	
ex .1202	<ul style="list-style-type: none"> <li>— — — Preparations with a basis of coffee, containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</li> </ul>	Zero
ex .1209	<ul style="list-style-type: none"> <li>— — — Other, containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</li> <li>— Extracts, essences and concentrates of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté:</li> </ul>	Zero
ex .2010	<ul style="list-style-type: none"> <li>— — Extracts, essences and concentrates of tea, containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</li> <li>— Other:</li> </ul>	Zero
ex .2091	<ul style="list-style-type: none"> <li>— — — Preparations with a basis of tea or maté, containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</li> </ul>	Zero
ex .2099	<ul style="list-style-type: none"> <li>— — — Other, containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch</li> </ul>	Zero
ex .3000	<ul style="list-style-type: none"> <li>— Other roasted coffee substitutes than roasted chicory; extracts, essences and concentrates of other roasted coffee substitutes than roasted chicory</li> </ul>	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
21.02	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 30.02); prepared baking powders: – Active yeasts:	
.1010	– – Wine yeasts	Zero
.1020	– – Baking yeasts, liquid, pressed or dried	Zero (²)
.1090	– – Other – Inactive yeasts; other single-cell micro-organisms, dead:	Zero
.2010	– – Yeasts for feed purpose	2,58
.2020	– – Other inactive yeasts	Zero
.2031	– – Other single-cell micro-organisms, dead, for feed purpose	2,58
.2040	– – Other single-cell micro-organisms, dead, not for feed purpose	Zero
.3000	– Prepared baking powders	Zero
21.03	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard: – Tomato ketchup and other tomato sauce:	
.2010	– – Tomato ketchup – Mustard flour and meal and prepared mustard: – – Prepared mustard:	Zero
.3009	– – – Prepared mustard containing 5 % or more by weight of added sugar	Zero
21.04	Soups and broths and preparations therefor; homogenised composite food preparations: – Soups and broths and preparations therefore: – – In airtight containers: – – – Meat broth:	
.1011	– – – Dried	Zero
21.05	Ice cream and other edible ice, whether or not containing cocoa: – Other:	
.0090	– – Other	Zero



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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
21.06	Food preparations not elsewhere specified or included: – Other:	
.9010	– – Non-alcoholic compounds (known as ‘concentrated extracts’) with a basis of goods of heading 13.02, for the manufacture of beverages	Zero
.9020	– – Preparations based on juices of apples or blackcurrants, for the manufacture of beverages – – Other preparations of a kind used for the manufacture of beverages:	8,73 %
.9039	– – – Other than flavoured or coloured syrups – – Drops and chewing gum, not containing sugar:	Zero
.9041	– – – Drops – – – Chewing gum:	Zero
.9043	– – – – Chewing gum containing nicotine	Zero
.9044	– – – – Other – – Other: – – – Cream substitutes:	Zero
.9051	– – – – Dried	5,83
.9052	– – – – Liquid	2,92
22.02	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading 20.09:	
.1000	– Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured – Other:	Zero
.9010	– – Non-alcoholic wines	Zero
.9020	– – Non-alcoholic beer (beer with an alcoholic strength not exceeding 0,5 % by volume)	Zero
.9090	– – Other	Zero
22.03	Beer made from malt	Zero
22.05	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	Zero
22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength:	
.2000	– Ethyl alcohol and other spirits, denatured, of any strength	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
22.08	Undenatured ethyl alcohol of an alcoholic strength by volume less than 80 % vol; spirits, liqueurs and other spirituous beverages:	
.4000	– Rom and taffia	Zero
.5000	– Gin and Geneva	Zero
.6000	– Vodka – Liqueurs and cordials:	Zero
ex .7000	– – Liqueurs containing more than 5 % by weight of sugar – Other:	Zero
.9003	– – Aquavit (distilled spirits flavoured with cumin seeds)	Zero
22.09	Vinegar and substitutes for vinegar obtained from acetic acid	Zero
24.02	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes: – Cigars, cheroots and cigarillos, containing tobacco:	
.1001	– – Cigars	Zero
.1009	– – Other	Zero
.2000	– Cigarettes containing tobacco	Zero
.9000	– Other	Zero
24.03	Other manufactured tobacco and manufactured tobacco substitutes; ‘homogenised’ or ‘reconstituted’ tobacco; tobacco extracts and essences:	
.1000	– Smoking tobacco, whether or not containing tobacco substitutes in any proportion – Other:	Zero
.9100	– – ‘Homogenised’ or ‘reconstituted’ tobacco – – Other:	Zero
.9910	– – – Tobacco extracts and essences	Zero
.9990	– – – Other	Zero
29.05	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: – Other polyhydric alcohols:	
.4300	– – Mannitol	Zero
.4400	– – D-glucitol (sorbitol)	Zero

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Norwegian Tariff Code	Description of products	Applied duty (NOK/kg)
33.02	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages	
.1000	– Of a kind used in the food or drink industries	Zero
35.05	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches: – Dextrins and other modified starches:	
.1001	– – Esterified or etherified	7,40 <sup>(2)</sup>
.1009	– – Other	7,40 <sup>(2)</sup>
.2000	– Glues	Zero
38.09	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	
.1000	– With a basis of amylaceous substances	Zero
38.24	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included:	
.6000	– Sorbitol, other than that of subheading 2905.44	Zero

<sup>(1)</sup> The agricultural element is based on a standard recipe in Protocol 2 to the FTA.

<sup>(2)</sup> The duty free regime shall apply from 1 January 2005.

<sup>(3)</sup> For technical use, the customs duty will be zero.

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8. The customs duties for the following products will be determined from the actual content declared for the raw materials on which an agricultural duty is applied:

Norwegian Tariff Code	Description of products
1806.2012	Table cream powders in containers or immediate packages, of a content exceeding 2 kg
1806.2090	Other (other than ice-cream powders or table cream powders) in blocks, slabs or bars weighing more than 2 kg in liquid, paste, powder, granular or other bulk form in containers or immediate packages, of a content exceeding 2 kg

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Norwegian Tariff Code	Description of products
1806.3100	Other, in blocks, slabs and bars — filled
1806.3200	Other, in blocks, slabs and bars — not filled
1806.9010	Other chocolate, including sugar confectionery, containing cocoa (other than in blocks, slabs and bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packages, of a content exceeding 2 kg)
1806.9022	Table cream powders
1806.9090	Other edible preparations
2103.9099	Other sauces and preparations thereof, mixed condiments and mixed seasonings (other than tomato ketchup and other tomato sauce, mustard flour and meal and prepared mustard, mayonnaise and remoulades and mango chutney liquid)

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9. The customs duty for products classified within Norwegian codes 1901.2097 and 1901.2098 (other mixes for the preparation of bakers' wares of heading 1905) and declared as free from gluten for sufferers of coeliac diseases will be 0,37 NOK/kg.
10. The customs duty for products classified within Norwegian code ex 2008.9903 (maize (corn), other than sweet corn (*Zea mays* var. *Saccharata*), not for feed purpose) will be calculated subject to the matrix system. The maximum customs duty shall, however, not exceed 12 NOK/kg.
11. The customs duty for products classified within Norwegian code 2106.9060 (emulsified fats and similar products containing more than 15 % by weight of edible milk-fats) will be calculated subject to the matrix system. The maximum customs duty shall, however, not exceed 7 NOK/kg.

▼ **M108***Appendix***Quantities and recipes referred to in paragraph 5***(per 100 kg of goods)*

Quantities to be taken into account within the bands — milk and milk products				
Milk fat (% of weight)	Milk prot. (% of weight)	Skimmed-milk powder (kg)	WMP (kg)	Butter (kg)
0–1,5	0–2,5	0	0	0
	2,5–6	14	0	0
	6–18	42	0	0
	18–30	75	0	0
	30–60	146	0	0
	60->	208	0	0
1,5–3	0–2,5	0	0	3
	2,5–6	14	0	3
	6–18	42	0	3
	18–30	75	0	3
	30–60	146	0	3
	60->	208	0	3
3–6	0–2,5	0	0	6
	2,5–12	12	20	0
	12->	71	0	6
6–9	0–4	0	0	10
	4–15	10	32	0
	15->	71	0	10
9–12	0–6	0	0	14
	6–18	9	43	0
	18->	70	0	14
12–18	0–6	0	0	20
	6–18	0	56	2
	18->	65	0	20
18–26	0–6	0	0	29
	6->	50	0	29
26–40	0–6	0	0	45
	6->	38	0	45
40–55	0	0	0	63
55–70	0	0	0	81
70–85	0	0	0	99
85->	0	0	0	117

*(per 100 kg of goods)*

Quantities to be taken into account within the bands — other than milk products	
Banding	To be applied
Starch/glucose	
0–5	0
5–15	12,5 (3,13 NOS + 9,38 PS)
15–25	22,5 (5,63 NOS + 16,88 PS)
25–50	43,75 (10,94 NOS + 32,81 PS)

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Quantities to be taken into account within the bands — other than milk products	
Banding	To be applied
50–75	68,75 (17,19 NOS + 51,56 PS)
75->	100 (25 NOS + 75 PS)
Flour/meal of cereals	
0–5	0
5–15	12,5
15–25	22,5
25–35	32,5
35–45	42,5
45–55	52,5
55–65	62,5
65–75	72,5
75->	115
Meat	
0–3	0
3–6	5,25
6–10	7,5
10–15	12,5
15–20	17,5
20->	50
Cheese	
0–3	0
3–5	4,5
5–10	8,75
10–15	13,75
15–20	18,75
20–30	27,5
30–50	45
50->	60
Egg	
0–3	0
3–5	4,5
5–10	8,75
10–15	13,75
15–20	18,75
20–30	27,5
30–50	45
50->	60
Berries	
0–3	0
3–5	4,5
5–10	8,75
10–15	13,75
15–20	18,75
20–30	27,5
30–50	45
50->	60

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Standard recipes used in the calculation of customs duties upon importation into Norway

NO Code	Milk for yogurt	Strawberries	Glucose	Butter	Skimmed-milk powder	Whole-milk powder	Wheat flour	Potato starch	Whole egg powder	Durum flour	Whole egg paste	Rye flour	Bovine meat 14 %	Pork meat 23 %	Cheese	Flour/flakes of potatoes	Conserved egg yolks	Milk for beverages
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
0403 10 20	381	30																
0403 10 30	103	8																
0403 10 91	103																	
0403 90 01	103																	
0403 90 02	103	8																
1704 10 00			18															
1704 90 10			8															
1704 90 91			35	5														
1806 20 11					95													
1806 90 21					95													
1901 20 10							35	5	3									
1901 20 91							35	5	3									
1901 20 92					2		35				6							
1902 11 00									2	108								
1902 19 00										105								
1902 40 00										105								
1903 00 00								100										
1905 10 00							22					88						
► <b>M142</b> 1905 32 00 ◀						3	70											
1905 40 00					2		85											
1905 90 10							25						5	5	15			
1905 90 22						1	65											
1905 90 32							30					100						

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Standard recipes used in the calculation of customs duties upon importation into Norway

NO Code	Milk for yogurt	Strawberries	Glucose	Butter	Skimmed-milk powder	Whole-milk powder	Wheat flour	Potato starch	Whole egg powder	Durum flour	Whole egg paste	Rye flour	Bovine meat 14 %	Pork meat 23 %	Cheese	Flour/flakes of potatoes	Conserved egg yolks	Milk for beverages
	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%	%
1905 90 33					2		35				6							
2004 10 10																95		
2004 10 20																46		
2005 20 10																95		
2005 20 20																46		
2103 20 21								8										
2103 20 29								8										
2103 90 10								2									7	
ex 2104 10 10													15 <sup>(1)</sup>					
2105 00 10						35												
2105 00 20		6				35												
2202 90 30																		95
3501 10 00					300													
3501 90 10					300													

<sup>(1)</sup> The standard recipe is not applicable to dried meat broth.

TABLE II

HS heading No	Description of products
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
0902	Tea



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HS heading No	Description of products
1302	<p>Vegetables saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:</p> <p>– Vegetable saps and extracts:</p> <p>.12 – – Of liquorice</p> <p>.13 – – Of hops</p> <p>.20 – Pectic substances, pectinates and pectates:</p> <p>ex .20 – – Containing less than 5 % by weight of added sugar</p> <p>– Mucilages and thickeners, whether or not modified, derived from vegetable products:</p> <p>.31 – – Agar-agar</p> <p>.32 – – Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds</p> <p>.39 – – Other</p>
1404	<p>Vegetable products not elsewhere specified or included</p> <p>.20 – Cotton linters</p>
1516	<p>Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared:</p> <p>.20 – Vegetable fats and oils and their fractions:</p> <p>ex .20 – – Hydrogenated castor oil, so called ‘opal-wax’</p>
1518	<p>Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or included:</p> <p>ex .1518 – Linoxyn</p>
1520	Glycerol, crude; glycerol waters and glycerol lyes <sup>(1)</sup>
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured
1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes <sup>(2)</sup>
1803	Cocoa paste, whether or not defatted
1804	Cocoa butter, fat and oil
1805	Cocoa powder, not containing added sugar or other sweetening matter

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HS heading No	Description of products
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:
.90	– Other
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:
	– Other, including mixtures other than those of subheading No 2008 19:
.91	– – Palm hearts <sup>(3)</sup>
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
	– Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
.11	– – Extracts, essences and concentrates
.12	– – Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
ex .12	– – – Containing no milk fats, milk proteins, sugar or starch or containing by weight less than 1,5 % milk fat, 2,5 % milk proteins, 5 % sugar or 5 % starch
.20	– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:
ex .20	– – Containing no milk fats, milk proteins, sugar or starch or containing by weight less than 1,5 % milk fat, 2,5 % milk proteins, 5 % sugar or 5 % starch
.30	– Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
ex .30	– – Roasted chicory; extracts, essences and concentrates of roasted chicory
2103	Sauces and preparations thereof; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:
.10	– Soya sauce
.30	– Mustard flour and meal and prepared mustard:
ex .30	– – Mustard flour and meal; prepared mustard containing less than 5 % by weight of added sugar
.90	– Other:
ex .90	– – Mango chutney, liquid
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter not flavoured; ice and snow

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HS heading No	Description of products
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages:
.20	– Spirits obtained by distilling grape wine or grape marc
.30	– Whiskies
.70	– Liqueurs and cordials:
ex .70	– – Other than liqueurs containing more than 5 % by weight of added sugar
.90	– Other:
ex .90	– – Other than aquavit

(<sup>1</sup>) For Norway, products for feed purpose classified within this heading are covered by Table I.

(<sup>2</sup>) For Norway, degreas for feed purpose classified within this heading is covered by Table I.

(<sup>3</sup>) For Norway, palm hearts for feed purpose classified within this subheading are covered by Table I.

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**PROTOCOL 4**  
**on rules of origin**

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**JOINT DECLARATIONS**

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Joint declaration concerning the Principality of Andorra

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Joint declaration concerning the withdrawal of a Contracting Party from the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

▼ **M298**TITLE I  
GENERAL PROVISIONS*Article 1***Definitions**

For the purposes of this Protocol:

- (a) 'manufacture' means any kind of working or processing including assembly or specific operations;
- (b) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) 'goods' means both materials and products,
- (e) 'customs value' means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) 'ex-works price' means the price paid for the product ex works to the manufacturer in the EEA in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) 'value of materials' means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the EEA;
- (h) 'value of originating materials' means the value of such materials as defined in (g) applied *mutatis mutandis*;
- (i) 'value added' shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Article 3 with which cumulation is applicable or, where the customs value is not known or cannot be ascertained, the first ascertainable price paid for the materials in the EEA;
- (j) 'chapters' and 'headings' mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonised Commodity Description and Coding System, referred to in this Protocol as 'the Harmonised System' or 'HS';

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- (k) 'classified' refers to the classification of a product or material under a particular heading;
- (l) 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (m) 'territories' includes territorial waters.

## TITLE II

**DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'***Article 2***General requirements**

1. For the purpose of implementing the Agreement, the following products shall be considered as originating in the EEA:
  - (a) products wholly obtained in the EEA within the meaning of Article 4;
  - (b) products obtained in the EEA incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the EEA within the meaning of Article 5.

For this purpose, the territories of the Contracting Parties to which the Agreement applies, shall be considered as a single territory.

2. Notwithstanding paragraph 1, the territory of the Principality of Liechtenstein shall be excluded from that of the EEA, for the purpose of determining the origin of the products referred to in Tables I and II of Protocol 3 and such products shall be considered to be originating in the EEA only if they have been either wholly obtained or sufficiently worked or processed in the territories of the other Contracting Parties.

*Article 3***Diagonal cumulation of origin**

1. Without prejudice to the provisions of Article 2, products shall be considered as originating in the EEA if they are obtained there, incorporating materials originating in Switzerland (including Liechtenstein)<sup>(1)</sup>, Iceland, Norway, the Faroe Islands, Turkey, the European Union or in any participant in the European Union's Stabilisation and Association Process<sup>(2)</sup>, provided that the working or processing carried out in the EEA goes beyond the operations referred to in Article 6. It shall not be necessary for such materials to have undergone sufficient working or processing.

<sup>(1)</sup> The Principality of Liechtenstein has a customs union with Switzerland, and is a Contracting Party to the Agreement of the European Economic Area.

<sup>(2)</sup> Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Kosovo under UNSC Resolution 1244/99.



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2. Without prejudice to the provisions of Article 2, products shall be considered as originating in the EEA if they are obtained there, incorporating materials originating in any country which is a participant in the Euro-Mediterranean partnership, based on the Barcelona Declaration adopted at the Euro-Mediterranean Conference held on 27 and 28 November 1995, other than Turkey <sup>(1)</sup>, provided that the working or processing carried out in the EEA goes beyond the operations referred to in Article 6. It shall not be necessary for such materials to have undergone sufficient working or processing.

3. Where the working or processing carried out in the EEA does not go beyond the operations referred to in Article 6, the product obtained shall be considered as originating in the EEA only where the value added there is greater than the value of the materials used originating in any one of the countries referred to in paragraphs 1 and 2. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the EEA.

4. Products, originating in one of the countries referred to in paragraphs 1 and 2, which do not undergo any working or processing in the EEA shall retain their origin if exported into one of these countries.

5. The cumulation provided for in this Article may be applied only provided that:

- (a) a preferential trade agreement in accordance with Article XXIV of the General Agreement on Tariffs and Trade (GATT) is applicable between the countries involved in the acquisition of the originating status and the country of destination;
- (b) materials and products have acquired originating status by the application of rules of origin identical to those given in this Protocol;

and

- (c) notices indicating the fulfilment of the necessary requirements to apply cumulation have been published in the *Official Journal of the European Union* (C series) and in the other Contracting Parties according to their own procedures.

The cumulation provided for in this Article shall apply from the date indicated in the notice published in the *Official Journal of the European Union* (C series).

The European Union shall provide the other Contracting Parties, through the European Commission, with details of the Agreements, including their dates of entry into force, and their corresponding rules of origin, which are applied with the other countries referred to in paragraphs 1 and 2.

<sup>(1)</sup> Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Tunisia, West Bank and Gaza Strip.

▼ **M298***Article 4***Wholly obtained products**

1. The following shall be considered as wholly obtained in the EEA:
  - (a) mineral products extracted from their soil or from their seabed;
  - (b) vegetable products harvested there;
  - (c) live animals born and raised there;
  - (d) products from live animals raised there;
  - (e) products obtained by hunting or fishing conducted there;
  - (f) products of sea fishing and other products taken from the sea outside the territorial waters of the Contracting Parties by their vessels;
  - (g) products made aboard their factory ships exclusively from products referred to in (f);
  - (h) used articles collected there fit only for the recovery of raw materials, including used tyres fit only for retreading or for use as waste;
  - (i) waste and scrap resulting from manufacturing operations conducted there;
  - (j) products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;
  - (k) goods produced there exclusively from the products specified in (a) to (j).
2. The terms 'their vessels' and 'their factory ships' in paragraph 1(f) and (g) shall apply only to vessels and factory ships:
  - (a) which are registered or recorded in a Member State of the European Union or in an EFTA State;
  - (b) which sail under the flag of a Member State of the European Union or of an EFTA State;
  - (c) which are owned to an extent of at least 50 % by nationals of a Member State of the European Union or of an EFTA State, or by a company with its head office in one of these States, of which the manager or managers, Chairman of the Board of Directors or the Supervisory Board, and the majority of the members of such boards are nationals of a Member State of the European Union or of an EFTA State and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to those States or to public bodies or nationals of the said States;

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(d) of which the master and officers are nationals of a Member State of the European Union or of an EFTA State;

and

(e) of which at least 75 % of the crew are nationals of a Member State of the European Union or of an EFTA State.

*Article 5***Sufficiently worked or processed products**

1. For the purposes of Article 2, products which are not wholly obtained shall be considered to be sufficiently worked or processed when the conditions set out in the list in Annex II are fulfilled.

The conditions referred to above indicate, for all products covered by the Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. It follows that if a product which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list in Annex II, should not be used in the manufacture of a product may nevertheless be used, provided that:

- (a) their total value does not exceed 10 % of the ex-works price of the product;
- (b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded by virtue of this paragraph.

This paragraph shall not apply to products falling within Chapters 50 to 63 of the Harmonised System.

3. Paragraphs 1 and 2 shall apply subject to the provisions of Article 6.

*Article 6***Insufficient working or processing**

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 5 are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;

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- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;
- (e) simple painting and polishing operations;
- (f) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (g) operations to colour sugar or form sugar lumps;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching; (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds;
- (n) mixing of sugar with any material;
- (o) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (p) a combination of two or more operations specified in (a) to (o);
- (q) slaughter of animals.

2. All operations carried out in the EEA on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

*Article 7***Unit of qualification**

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonised System.

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It follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonised System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonised System, each product must be taken individually when applying the provisions of this Protocol.

2. Where, under General Rule 5 of the Harmonised System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

*Article 8***Accessories, spare parts and tools**

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle, which are part of the normal equipment and included in the price thereof or which are not separately invoiced, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

*Article 9***Sets**

Sets, as defined in General Rule 3 of the Harmonised System, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 15 % of the ex-works price of the set.

*Article 10***Neutral elements**

In order to determine whether a product is an originating product, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which neither enter into the final composition of the product nor are intended to do so.

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## TITLE III

## TERRITORIAL REQUIREMENTS

*Article 11***Principle of territoriality**

1. Except as provided for in Article 3 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must be fulfilled without interruption in the EEA.

2. Except as provided for in Article 3, where originating goods exported from the EEA to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

(a) the returning goods are the same as those exported;

and

(b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the EEA on materials exported from the EEA and subsequently reimported there, provided:

(a) the said materials are wholly obtained in the EEA or have undergone working or processing beyond the operations referred to in Article 6 prior to being exported;

and

(b) it can be demonstrated to the satisfaction of the customs authorities that:

(i) the reimported goods have been obtained by working or processing the exported materials;

and

(ii) the total added value acquired outside the EEA by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the EEA. However, where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product, the total value of the non-originating materials incorporated in the territory of the party concerned, taken together with the total added value acquired outside the EEA by applying the provisions of this Article, shall not exceed the stated percentage.

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5. For the purposes of applying the provisions of paragraphs 3 and 4, 'total added value' shall be taken to mean all costs arising outside the EEA, including the value of the materials incorporated there.
6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered sufficiently worked or processed only if the general tolerance fixed in Article 5(2) is applied.
7. The provisions of paragraphs 3 and 4 shall not apply to products of Chapters 50 to 63 of the Harmonised System.
8. Any working or processing of the kind covered by this Article and done outside the EEA shall be done under the outward processing arrangements, or similar arrangements.

*Article 12***Direct transport**

1. The preferential treatment provided for under the Agreement applies only to products, satisfying the requirements of this Protocol, which are transported directly within the EEA or through the territories of the countries referred to in Article 3 with which cumulation is applicable. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, trans-shipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

Originating products may be transported by pipeline across territory other than that of the EEA.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:
  - (a) a single transport document covering the passage from the exporting country through the country of transit; or
  - (b) a certificate issued by the customs authorities of the country of transit:
    - (i) giving an exact description of the products;
    - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used;

and

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- (iii) certifying the conditions under which the products remained in the transit country; or
- (c) failing these, any substantiating documents.

*Article 13***Exhibitions**

1. Originating products, sent for exhibition in a country other than those referred to in Article 3 with which cumulation is applicable and sold after the exhibition for importation in the EEA shall benefit on importation from the provisions of the Agreement provided it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these products from one of the Contracting Parties to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in another Contracting Party;
- (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition;

and

- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin shall be issued or made out in accordance with the provisions of Title V and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition shall be indicated thereon. Where necessary, additional documentary evidence of the conditions under which the products have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## TITLE IV

**DRAWBACK OR EXEMPTION***Article 14***Prohibition of drawback of, or exemption from, customs duties**

1. Non-originating materials used in the manufacture of products originating in the EEA or in one of the countries referred to in Article 3 for which a proof of origin is issued or made out in accordance with the provisions of Title V shall not be subject in any of the Contracting Parties to drawback of, or exemption from, customs duties of whatever kind.



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2. The prohibition in paragraph 1 shall apply to any arrangement for refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect, applicable in any of the Contracting Parties to materials used in the manufacture, where such refund, remission or non-payment applies, expressly or in effect, when products obtained from the said materials are exported and not when they are retained for home use there.

3. The exporter of products covered by a proof of origin shall be prepared to submit at any time, upon request from the customs authorities, all appropriate documents proving that no drawback has been obtained in respect of the non-originating materials used in the manufacture of the products concerned and that all customs duties or charges having equivalent effect applicable to such materials have actually been paid.

4. The provisions of paragraphs 1 to 3 shall also apply in respect of packaging within the meaning of Article 7(2), accessories, spare parts and tools within the meaning of Article 8 and products in a set within the meaning of Article 9 when such items are non-originating.

5. The provisions of paragraphs 1 to 4 shall apply only in respect of materials which are of the kind to which the Agreement applies. Furthermore, they shall not preclude the application of an export refund system for agricultural products, applicable upon export in accordance with the provisions of the Agreement.

## TITLE V

**PROOF OF ORIGIN***Article 15***General requirements**

1. Originating products shall, on importation into one of the Contracting Parties, benefit from the provisions of the Agreement upon submission of one of the following proofs of origin:

- (a) a movement certificate EUR.1, a specimen of which appears in Annex IIIa;
- (b) a movement certificate EUR-MED, a specimen of which appears in Annex IIIb;
- (c) in the cases specified in Article 21(1), a declaration, subsequently referred to as the 'origin declaration' or the 'origin declaration EUR-MED', given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified; the texts of the origin declarations appear in Annexes IVa and b.

2. Notwithstanding paragraph 1, originating products within the meaning of this Protocol shall, in the cases specified in Article 26, benefit from the provisions of the Agreement without it being necessary to submit any of the proofs of origin referred to in paragraph 1.

▼ **M298***Article 16***Procedure for the issue of a movement certificate EUR.1 or EUR-MED**

1. A movement certificate EUR.1 or EUR-MED shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorised representative.

2. For this purpose, the exporter or his authorised representative shall fill in both the movement certificate EUR.1 or EUR-MED and the application form, specimens of which appear in the Annexes IIIa and b. These forms shall be completed in one of the languages in which the Agreement is drawn up and in accordance with the provisions of the national law of the exporting country. If the forms are handwritten, they shall be completed in ink in printed characters. The description of the products shall be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line shall be drawn below the last line of the description, the empty space being crossed through.

3. The exporter applying for the issue of a movement certificate EUR.1 or EUR-MED shall be prepared to submit at any time, at the request of the customs authorities of the exporting country where the movement certificate EUR.1 or EUR-MED is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. Without prejudice to paragraph 5, a movement certificate EUR.1 shall be issued by the customs authorities of a Contracting Party in the following cases:

- if the products concerned can be considered as products originating in the EEA or in one of the countries referred to in Article 3(1) with which cumulation is applicable, without application of cumulation with materials originating in one of the countries referred to in Article 3(2), and fulfil the other requirements of this Protocol,
- if the products concerned can be considered as products originating in one of the countries referred to in Article 3(2) with which cumulation is applicable, without application of cumulation with materials originating in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol, provided a certificate EUR-MED or an origin declaration EUR-MED has been issued in the country of origin.

5. A movement certificate EUR-MED shall be issued by the customs authorities of a Contracting Party, if the products concerned can be considered as products originating in the EEA or in one of the countries referred to in Article 3 with which cumulation is applicable, fulfil the requirements of this Protocol and:

- cumulation was applied with materials originating in one of the countries referred to in Article 3(2), or
- the products may be used as materials in the context of cumulation for the manufacture of products for export to one of the countries referred to in Article 3(2), or

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— the products may be re-exported from the country of destination to one of the countries referred to in Article 3(2).

6. A movement certificate EUR-MED shall contain one of the following statements in English in box 7:

— if origin has been obtained by application of cumulation with materials originating in one or more of the countries referred to in Article 3:

‘CUMULATION APPLIED WITH ...’ (name of the country/countries)

— if origin has been obtained without the application of cumulation with materials originating in one or more of the countries referred to in Article 3:

‘NO CUMULATION APPLIED’

7. The customs authorities issuing movement certificates EUR.1 or EUR-MED shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Protocol. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. They shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

8. The date of issue of the movement certificate EUR.1 or EUR-MED shall be indicated in Box 11 of the certificate.

9. A movement certificate EUR.1 or EUR-MED shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

*Article 17*

**Movement certificates EUR.1 or EUR-MED issued retrospectively**

1. Notwithstanding Article 16(9), a movement certificate EUR.1 or EUR-MED may exceptionally be issued after exportation of the products to which it relates if:

(a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances;

or

(b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1 or EUR-MED was issued but was not accepted at importation for technical reasons.

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2. Notwithstanding Article 16(9), a movement certificate EUR-MED may be issued after exportation of the products to which it relates and for which a movement certificate EUR.1 was issued at the time of exportation, provided that it is demonstrated to the satisfaction of the customs authorities that the conditions referred to in Article 16(5) are satisfied.

3. For the implementation of paragraphs 1 and 2, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 or EUR-MED relates, and state the reasons for his request.

4. The customs authorities may issue a movement certificate EUR.1 or EUR-MED retrospectively only after verifying that the information supplied in the exporter's application complies with that in the corresponding file.

5. Movement certificates EUR.1 or EUR-MED issued retrospectively shall be endorsed with the following phrase in English:

‘ISSUED RETROSPECTIVELY’

Movement certificates EUR-MED issued retrospectively by application of paragraph 2 shall be endorsed with the following phrase in English:

ISSUED RETROSPECTIVELY (Original EUR.1 No ... (date and place of issue)

6. The endorsement referred to in paragraph 5 shall be inserted in box 7 of the movement certificate EUR.1 or EUR-MED.

### *Article 18*

#### **Issue of a duplicate movement certificate EUR.1 or EUR-MED**

1. In the event of theft, loss or destruction of a movement certificate EUR.1 or EUR-MED, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way shall be endorsed with the following word in English:

‘DUPLICATE’

3. The endorsement referred to in paragraph 2 shall be inserted in box 7 of the duplicate movement certificate EUR.1 or EUR-MED.

4. The duplicate, which shall bear the date of issue of the original movement certificate EUR.1 or EUR-MED, shall take effect as from that date.

▼ **M298***Article 19***Issue of movement certificates EUR.1 or EUR-MED on the basis of a proof of origin issued or made out previously**

When originating products are placed under the control of a customs office in the Contracting Parties, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 or EUR-MED for the purpose of sending all or some of these products elsewhere within the EEA. The replacement movement certificate(s) EUR.1 or EUR-MED shall be issued by the customs office under whose control the products are placed.

*Article 20***Accounting segregation**

1. Where considerable cost or material difficulties arise in keeping separate stocks of originating and non-originating materials which are identical and interchangeable, the customs authorities may, at the written request of those concerned, authorise the so-called 'accounting segregation' method (hereinafter referred to as the 'method') to be used for managing such stocks.
2. The method must be able to ensure that, for a specific reference period, the number of products obtained which could be considered as 'originating' is the same as that which would have been obtained had there been physical segregation of the stocks.
3. The customs authorities may make the grant of authorisation referred to in paragraph 1, subject to any conditions deemed appropriate.
4. The method shall be applied and on the application thereof shall be recorded on the basis of the general accounting principles applicable in the country where the product was manufactured.
5. The beneficiary of the method may make out or apply for proofs of origin, as the case may be, for the quantity of products which may be considered as originating. At the request of the customs authorities, the beneficiary shall provide a statement of how the quantities have been managed.
6. The customs authorities shall monitor the use made of the authorisation and may withdraw it whenever the beneficiary makes improper use of the authorisation in any manner whatsoever or fails to fulfil any of the other conditions laid down in this Protocol.

*Article 21***Conditions for making out an origin declaration or an origin declaration EUR-MED**

1. An origin declaration or an origin declaration EUR-MED as referred to in Article 15(1)(c) may be made out:
  - (a) by an approved exporter within the meaning of Article 22;

or

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- (b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed EUR 6 000.

2. Without prejudice to paragraph 3, an origin declaration may be made out in the following cases:

- if the products concerned may be considered as products originating in the EEA or in one of the countries referred to in Article 3(1) with which cumulation is applicable, without application of cumulation with materials originating in one of the countries referred to in Article 3(2), and fulfil the other requirements of this Protocol;
- if the products concerned may be considered as products originating in one of the countries referred to in Article 3(2) with which cumulation is applicable, without application of cumulation with materials originating in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol, provided a certificate EUR-MED or an origin declaration EUR-MED has been issued in the country of origin.

3. An origin declaration EUR-MED may be made out if the products concerned may be considered as products originating in the EEA or in one of the countries referred to in Article 3 with which cumulation is applicable, fulfil the requirements of this Protocol and:

- cumulation was applied with materials originating in one of the countries referred to in Article 3(2), or
- the products may be used as materials in the context of cumulation for the manufacture of products for export to one of the countries referred to in Article 3(2),

or

- the products may be re-exported from the country of destination to one of the countries referred to in Article 3(2).

4. An origin declaration EUR-MED shall contain one of the following statements in English:

- if origin has been obtained by application of cumulation with materials originating in one or more of the countries referred to in Article 3:

‘CUMULATION APPLIED WITH ...’ (name of the country/countries)

- if origin has been obtained without application of cumulation with materials originating in one or more of the countries referred to in Article 3:

‘NO CUMULATION APPLIED’.

5. The exporter making out an origin declaration or an origin declaration EUR-MED shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

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6. An origin declaration or an origin declaration EUR-MED shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the texts of which appear in Annexes IVa and b, using one of the linguistic versions set out in these Annexes and in accordance with the provisions of the national law of the exporting country. If the declaration is hand-written, it shall be written in ink in printed characters.

7. Origin declarations and origin declarations EUR-MED shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 22 shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any origin declaration which identifies him as if it had been signed in manuscript by him.

8. An origin declaration or an origin declaration EUR-MED may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country at the latest two years after the importation of the products to which it relates.

*Article 22***Approved exporter**

1. The customs authorities of the exporting country may authorise any exporter (hereinafter referred to as 'approved exporter') who makes frequent shipments of products under the Agreement to make out origin declarations or origin declarations EUR-MED irrespective of the value of the products concerned. An exporter seeking such authorisation shall offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfilment of the other requirements of this Protocol.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The customs authorities shall grant to the approved exporter a customs authorisation number which shall appear on the origin declaration or on the origin declaration EUR-MED.

4. The customs authorities shall monitor the use of the authorisation by the approved exporter.

5. The customs authorities may withdraw the authorisation at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, no longer fulfils the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorisation.

*Article 23***Validity of proof of origin**

1. A proof of origin shall be valid for four months from the date of issue in the exporting country and shall be submitted within the said period to the customs authorities of the importing country.

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2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

*Article 24***Submission of proof of origin**

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Agreement.

*Article 25***Importation by instalments**

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of General Rule 2(a) of the Harmonised System falling within sections XVI and XVII or headings 7308 and 9406 of the Harmonised System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

*Article 26***Exemptions from proof of origin**

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Protocol and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post, this declaration can be made on customs declaration CN22/CN23 or on a sheet of paper annexed to that document.

2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.



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3. Furthermore, the total value of these products shall not exceed EUR 500 in the case of small packages or EUR 1 200 in the case of products forming part of travellers' personal luggage.

*Article 27***Supplier's declaration**

1. When a movement certificate EUR.1 is issued, or an origin declaration is made out, in one of the Contracting Parties for originating products, in the manufacture of which goods coming from other Contracting Parties which have undergone working or processing in the EEA without having obtained preferential originating status have been used, account shall be taken of the supplier's declaration given for these goods in accordance with this Article.

2. The supplier's declaration referred to in paragraph 1 shall serve as evidence of the working or processing undergone in the EEA by the goods concerned for the purpose of determining whether the products in the manufacture of which these goods are used, may be considered as products originating in the EEA and fulfil the other requirements of this Protocol.

3. A separate supplier's declaration shall, except in cases provided in paragraph 4, be made out by the supplier for each consignment of goods in the form prescribed in Annex V on a sheet of paper annexed to the invoice, the delivery note or any other commercial document describing the goods concerned in sufficient detail to enable them to be identified.

4. Where a supplier regularly supplies a particular customer with goods for which the working or processing undergone in the EEA is expected to remain constant for considerable periods of time, he may provide a single supplier's declaration to cover subsequent consignments of those goods, hereinafter referred to as a 'long-term supplier's declaration'.

A long-term supplier's declaration may normally be valid for a period of up to one year from the date of making out the declaration. The customs authorities of the country where the declaration is made out lay down the conditions under which longer periods may be used.

The long term supplier's declaration shall be made out by the supplier in the form prescribed in Annex VI and shall describe the goods concerned in sufficient detail to enable them to be identified. It shall be provided to the customer concerned before he is supplied with the first consignment of goods covered by this declaration or together with his first consignment.

The supplier shall inform his customer immediately if the long-term supplier's declaration is no longer applicable to the goods supplied.

5. The supplier's declaration referred to in paragraphs 3 and 4 shall be typed or printed using one of the languages in which the Agreement is drawn up, in accordance with the provisions of the national law of the country where it is made out, and shall bear the original signature of the supplier in manuscript. The declaration may also be hand-written; in such a case, it shall be written in ink in printed characters.

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6. The supplier making out a declaration must be prepared to submit at any time, at the request of the customs authorities of the country where the declaration is made out, all appropriate documents proving that the information given on this declaration is correct.

*Article 28***Supporting documents**

The documents referred to in Articles 16(3), 21(5) and 27(6) used for the purpose of proving that products covered by a movement certificate EUR.1 or EUR-MED or an origin declaration or origin declaration EUR-MED may be considered as products originating in the EEA or in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol and that the information given in a supplier's declaration is correct, may consist, inter alia, of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal book keeping;
- (b) documents proving the originating status of materials used, issued or made out in the Contracting Party where these documents are used in accordance with national law;
- (c) documents proving the working or processing of materials in the EEA, issued or made out in the Contracting Party where these documents are used in accordance with national law;
- (d) movement certificates EUR.1 or EUR-MED or origin declarations or origin declarations EUR-MED proving the originating status of materials used, issued or made out in the Contracting Parties in accordance with this Protocol, or in one of the countries referred to in Article 3, in accordance with rules of origin which are identical to the rules in this Protocol.
- (e) supplier's declarations proving the working or processing undergone in the EEA by materials used, made out in the Contracting Parties in accordance with this Protocol;
- (f) appropriate evidence concerning working or processing undergone outside the EEA by application of Article 11, proving that the requirements of that Article have been satisfied.

*Article 29***Preservation of proof of origin, supplier's declarations and supporting documents**

1. The exporter applying for the issue of a movement certificate EUR.1 or EUR-MED shall keep for at least three years the documents referred to in Article 16(3).

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2. The exporter making out an origin declaration or origin declaration EUR-MED shall keep for at least three years a copy of this origin declaration as well as the documents referred to in Article 21(5).

3. The supplier making out a supplier's declaration shall keep for at least three years copies of the declaration and of the invoice, delivery notes or other commercial document to which this declaration is annexed as well as the documents referred to in Article 27(6).

The supplier making out a long-term supplier's declaration shall keep for at least three years copies of the declaration and of all the invoices, delivery notes or other commercial documents concerning goods covered by that declaration sent to the customer concerned, as well as the documents referred to in Article 27(6). This period shall begin from the date of expiry of validity of the long-term supplier's declaration.

4. The customs authorities of the exporting country issuing a movement certificate EUR.1 or EUR-MED shall keep, for at least three years, the application form referred to in Article 16(2).

5. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and EUR-MED and the origin declarations and origin declarations EUR-MED submitted to them.

*Article 30***Discrepancies and formal errors**

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.

2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

*Article 31***Amounts expressed in euro**

1. For the application of the provisions of Article 21(1)(b) and Article 26(3) in cases where products are invoiced in a currency other than euro, amounts in the national currencies of the Member States of the European Union and of the countries referred to in Article 3 equivalent to the amounts expressed in euro shall be fixed annually by each of the countries concerned.

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2. A consignment shall benefit from the provisions of Article 21(1)(b) or Article 26(3) by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
  
3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in euro as at the first working day of October each year. The amounts shall be communicated to the European Commission by 15 October and shall apply from 1 January the following year. The European Commission shall notify all countries concerned of the relevant amounts.
  
4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5 %. A country may retain unchanged its national currency equivalent of an amount expressed in euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15 % cent in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion were to result in a decrease in that equivalent value.
  
5. The amounts expressed in euro shall be reviewed by the EEA Joint Committee at the request of the Contracting Parties. When carrying out this review, the EEA Joint Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in euro.

## TITLE VI

**ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION***Article 32***Administrative cooperation**

1. The customs authorities of the Contracting Parties shall provide each other, through the European Commission, with specimen impressions of stamps used in their customs offices for the issue of movement certificates EUR.1 and EUR-MED, and with the addresses of the customs authorities responsible for verifying those certificates, origin declarations and origin declarations EUR-MED or suppliers' declarations.
  
2. In order to ensure the proper application of this Protocol, the Contracting Parties shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1 and EUR-MED, the origin declarations and the origin declarations EUR-MED or the suppliers' declarations and the correctness of the information given in these documents.

▼ **M298***Article 33***Verification of proofs of origin**

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.
  
2. For the purposes of implementing paragraph 1, the customs authorities of the importing country shall return the movement certificate EUR.1 or EUR-MED and the invoice, if it has been submitted, the origin declaration or the origin declaration EUR-MED, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the request for verification. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.
  
3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.
  
4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.
  
5. The customs authorities requesting the verification shall be informed of the results thereof as soon as possible. These results shall indicate clearly whether the documents are authentic and whether the products concerned may be considered as products originating in the EEA or in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol.
  
6. If in cases of reasonable doubt there is no reply within 10 months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

*Article 34***Verification of supplier's declarations**

1. Subsequent verifications of suppliers' declarations or long-term suppliers' declarations may be carried out at random or whenever the customs authorities of the country, where such declarations have been taken into account to issue a movement certificate EUR.1 or EUR-MED or to make out an origin declaration or origin declaration EUR-MED, have reasonable doubts as to the authenticity of the document or the correctness of the information given in this document.

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2. For the purposes of implementing paragraph 1, the customs authorities of the country referred to in paragraph 1 shall return the supplier's declaration and invoice(s), delivery note(s) or other commercial documents concerning goods covered by this declaration, to the customs authorities of the country where the declaration was made out, giving, where appropriate, the reasons of substance or form for the request for verification.

They shall forward, in support of the request for subsequent verification, any documents and information that have been obtained suggesting that the information given in the supplier's declaration is incorrect.

3. The verification shall be carried out by the customs authorities of the country where the supplier's declaration was made out. For this purpose, they shall have the right to call for any evidence and carry out any inspection of the supplier's accounts or any other check which they consider appropriate.

4. The customs authorities requesting the verification shall be informed of the results thereof as soon as possible. These results shall indicate clearly whether the information given in the supplier's declaration is correct and make it possible for them to determine whether and to what extent this supplier's declaration could be taken into account for issuing a movement certificate EUR.1 or EUR-MED or for making out an origin declaration or origin declaration EUR-MED.

*Article 35***Dispute settlement**

Where disputes arise in relation to the verification procedures of Articles 33 and 34 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the EEA Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 36***Penalties**

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

*Article 37***Free zones**

1. The Contracting Parties shall take all necessary steps to ensure that products traded under cover of a proof of origin which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

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2. By way of derogation from paragraph 1, when products originating in the EEA are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new movement certificate EUR.1 or EUR-MED at the exporter's request, if the treatment or processing undergone complies with the provisions of this Protocol.

## TITLE VII

## CEUTA AND MELILLA

*Article 38***Application of the Protocol**

1. The term 'EEA' used in this protocol does not cover Ceuta and Melilla. The term 'products originating in the EEA' does not cover products originating in Ceuta and Melilla.

2. For the purpose of applying Protocol 49 concerning products originating in Ceuta and Melilla, this Protocol shall apply, *mutatis mutandis*, subject to the special conditions set out in Article 39.

*Article 39***Special conditions**

1. Providing they have been transported directly in accordance with Article 12, the following shall be considered as:

(1) products originating in Ceuta and Melilla:

- (a) products wholly obtained in Ceuta and Melilla;
- (b) products obtained in Ceuta and Melilla in the manufacture of which products other than those referred to in (a) are used, provided that:
  - (i) the said products have undergone sufficient working or processing within the meaning of Article 5;
  - or that
  - (ii) those products originate in the EEA, provided that they have been submitted to working or processing which goes beyond the operations referred to in Article 6.

(2) products originating in the EEA:

- (a) products wholly obtained in the EEA;
- (b) products obtained in the EEA, in the manufacture of which products other than those referred to in (a) are used, provided that:
  - (i) the said products have undergone sufficient working or processing within the meaning of Article 5;
  - or that

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- (ii) those products originate in Ceuta and Melilla or in the EEA, provided that they have been submitted to working or processing which goes beyond the operations referred to in Article 6.
2. Ceuta and Melilla shall be considered as a single territory.
  3. The exporter or his authorised representative shall enter 'EEA' and 'Ceuta and Melilla' in box 2 of movement certificates EUR.1 or EUR-MED or on origin declarations or on origin declarations EUR-MED. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in box 4 of movement certificates EUR.1 or EUR-MED or on origin declarations or on the origin declarations EUR-MED.
  4. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

**▼ M297***Article 41***Transitional arrangements regarding the accession of the Republic of Croatia to the European Union**

1. Proof of origin properly issued by an EFTA State or the Republic of Croatia or made out in the framework of a preferential agreement applied between the EFTA States and the Republic of Croatia shall be considered being proof of EEA preferential origin, provided that:
  - (a) the proof of origin and the transport documents were issued or made out no later than the day before the date of accession of the Republic of Croatia to the European Union; and
  - (b) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession of the Republic of Croatia to the European Union.

Where goods were declared for importation from an EFTA State or the Republic of Croatia in, respectively, the Republic of Croatia or an EFTA State prior to the date of accession of the Republic of Croatia to the European Union, under preferential agreements applied between an EFTA State and the Republic of Croatia at that time, proof of origin issued retrospectively under those agreements may also be accepted in the EFTA States or the Republic of Croatia provided that it is submitted to the customs authorities within the period of four months from the date of accession of the Republic of Croatia to the European Union.

2. The EFTA States, on the one hand, and the Republic of Croatia, on the other hand, are authorised to retain the authorisations with which the status of 'approved exporters' has been granted in the framework of agreements concluded between the EFTA States, on the one hand, and the Republic of Croatia, on the other hand, provided that the approved exporters apply the rules of origin of this Protocol.



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The EFTA States, on the one hand, and Croatia, on the other, shall, no later than one year after the date of accession of the Republic of Croatia to the European Union, consider the necessity of replacing such authorisations by new authorisations issued in accordance with this Protocol.

3. Requests for subsequent verification of proof of origin issued or made out under the preferential agreements referred to in paragraphs 1 and 2 shall be accepted by the competent customs authorities of the EFTA States and the Republic of Croatia for a period of three years after the issue or making out of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

4. The provisions of the Agreement may be applied to goods exported from either the Republic of Croatia to the EFTA States or from the EFTA States to the Republic of Croatia, which comply with the provisions of this Protocol and that on the date of accession of the Republic of Croatia to the European Union are either in transit or in temporary storage in a customs warehouse or in a free zone in an EFTA State or in the Republic of Croatia.

5. Preferential treatment may be granted in cases as referred to in paragraph 4, subject to the submission to the customs authorities of the importing country, within four months from the date of accession of the Republic of Croatia to the European Union, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

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*ANNEX I*

**Introductory notes to the list in Annex II**

See Annex I of Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

Any reference to ‘this Appendix’ in Note 1 and 3.1 of Annex I to Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin should be read as a reference to ‘this Protocol’.

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*ANNEX II*

**List of working or processing required to be carried out on non-originating materials in order for the product manufactured to obtain originating status**

See Annex II of Appendix I to the Regional Convention on pan-Euro-Mediterranean rules of preferential origin.

▼ **M298**

*ANNEX IIIa*

**Specimens of movement certificate EUR.1 and application for a  
movement certificate EUR.1**

See Annex IIIa of Appendix I to the Regional Convention on pan-Euro-Mediterranean rules of preferential origin.

▼ **M298**

*ANNEX IIIb*

**Specimens of movement certificate EUR-MED and application for a  
movement certificate EUR-MED**

See Annex IIIb of Appendix I to the Regional Convention on pan-Euro-Mediterranean rules of preferential origin.

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*ANNEX IVa*

**Text of the origin declaration**

See Annex IVa of Appendix I to the Regional Convention on pan-Euro-Mediterranean rules of preferential origin.

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*ANNEX IVb*

**Text of the origin declaration EUR-MED**

See Annex IVb of Appendix I to the Regional Convention on pan-Euro-Mediterranean rules of preferential origin.

**▼ M298***ANNEX V***Supplier's declaration**

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

## SUPPLIER'S DECLARATION

for goods which have undergone working or processing in the EEA without having obtained preferential origin status

I, the undersigned, supplier of the goods covered by the annexed document, declare that:

1. The following materials which do not originate in the EEA have been used in the EEA to produce these goods:

Description of the goods supplied <sup>(1)</sup>	Description of non-originating materials used	Heading of non-originating materials used <sup>(2)</sup>	Value of non-originating materials used <sup>(2)</sup> <sup>(3)</sup>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
Total			.....

2. All the other materials used in the EEA to produce these goods originate in the EEA.
3. The following goods have undergone working or processing outside the EEA in accordance with Article 11 of Protocol 4 to the Agreement and have acquired the following total added value there:

Description of the goods supplied	Total added value acquired outside the EEA <sup>(4)</sup>
.....	.....
.....	.....
.....	.....
.....	.....

(Place and date)

(Address and signature of the supplier;  
in addition the name of the person signing the  
declaration must be indicated in clear script)



**▼ M298**

- (1) When the invoice, delivery note or other commercial document to which the declaration is annexed relates to different kinds of goods, or to goods which do not incorporate non-originating materials to the same extent, the supplier must clearly differentiate them.

Example:

The document relates to different models of electric motor of heading 8501 to be used in the manufacture of washing machines of heading 8450. The nature and value of the non-originating materials used in the manufacture of these motors differ from one model to another. The models must therefore be differentiated in the first column and the indications in the other columns must be provided separately for each of the models to make it possible for the manufacturer of washing machines to make a correct assessment of the originating status of his products depending on which model of electrical motor he uses.

- (2) The indications requested in these columns should only be given if they are necessary.

Examples:

The rule for garments of ex Chapter 62 says that non-originating yarn may be used. If a manufacturer of such garments in France uses fabric imported from Norway which has been obtained there by weaving non-originating yarn, it is sufficient for the European Union supplier to describe in his declaration the non-originating material used as yarn, without it being necessary to indicate the heading and value of such yarn.

A producer of iron of heading 7217 who has produced it from non-originating iron bars should indicate in the second column "bars of iron". Where this wire is to be used in the production of a machine, for which the rule contains a limitation for all non-originating materials used to a certain percentage value, it is necessary to indicate in the third column the value of non-originating bars.

- (3) "Value of materials" means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the EEA. The exact value for each non-originating material used must be given per unit of the goods specified in the first column.
- (4) "Total added value" shall mean all costs accumulated outside the EEA, including the value of all materials added there. The exact total added value acquired outside the EEA must be given per unit of the goods specified in the first column.
-

▼ **M298***ANNEX VI***Long-term supplier's declaration**

The long-term supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

## LONG-TERM SUPPLIER'S DECLARATION

for goods which have undergone working or processing in the EEA without having obtained preferential origin status

I, the undersigned, supplier of the goods covered by this document, which are regularly supplied to ..... (1) declare that:

1. The following materials which do not originate in the EEA have been used in the EEA to produce these goods:

Description of the goods supplied (2)	Description of non-originating materials used	Heading of non-originating materials used (3)	Value of non-originating materials used (3) (4)
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
Total			.....

2. All the other materials used in the EEA to produce these goods originate in the EEA;
3. The following goods have undergone working or processing outside the EEA in accordance with Article 11 of Protocol 4 to the Agreement and have acquired the following total added value there:

Description of the goods supplied	Total added value acquired outside the EEA (5)
.....	.....
.....	.....
.....	.....

This declaration is valid for all subsequent consignments of these goods dispatched from .....

to ..... (6)

I undertake to inform ..... (1) immediately if this declaration is no longer valid.

.....  
(Place and date)

.....  
.....  
(Address and signature of the supplier;  
in addition the name of the person signing  
the declaration must be indicated in clear script)

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- (<sup>1</sup>) Name and address of the customer.
- (<sup>2</sup>) When the invoice, delivery note or other commercial document to which the declaration is annexed relates to different kinds of goods, or to goods which do not incorporate non-originating materials to the same extent, the supplier must clearly differentiate them.
- Example:  
The document relates to different models of electric motor of heading 8501 to be used in the manufacture of washing machines of heading 8450. The nature and value of the non-originating materials used in the manufacture of these motors differ from one model to another. The models must therefore be differentiated in the first column and the indications in the other columns must be provided separately for each of the models to make it possible for the manufacturer of washing machines to make a correct assessment of the originating status of his products depending on which model of electrical motor he uses.
- (<sup>3</sup>) The indications requested in these columns should only be given if they are necessary.
- Examples:  
The rule for garments of ex Chapter 62 says that non-originating yarn may be used. If a manufacturer of such garments in France uses fabric imported from Norway which has been obtained there by weaving non-originating yarn, it is sufficient for the European Union supplier to describe in his declaration the non-originating material used as yarn, without it being necessary to indicate the heading and value of such yarn.  
A producer of iron of heading 7217 who has produced it from non-originating iron bars should indicate in the second column "bars of iron". Where this wire is to be used in the production of a machine, for which the rule contains a limitation for all non-originating materials used to a certain percentage value, it is necessary to indicate in the third column the value of non-originating bars.
- (<sup>4</sup>) "Value of materials" means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the EEA. The exact value for each non-originating material used must be given per unit of the goods specified in the first column.
- (<sup>5</sup>) "Total added value" shall mean all costs accumulated outside the EEA, including the value of all materials added there. The exact total added value acquired outside the EEA must be given per unit of the goods specified in the first column.
- (<sup>6</sup>) Insert dates. The period of validity of the long term supplier's declaration should not normally exceed 12 months, subject to the conditions laid down by the customs authorities of the country where the long term supplier's declaration is made out.
-

▼ **M298****JOINT DECLARATION****concerning the acceptance of proofs of origin issued within the framework of the agreements referred to in Article 3 of Protocol 4 for products originating in the European Union, Iceland or Norway**

1. Proofs of origin issued within the framework of the agreements referred to in Article 3 of Protocol 4 for products originating in the European Union, Iceland or Norway shall be accepted for the purpose of granting preferential tariff treatment provided for by the EEA Agreement.
2. Such products shall be considered as materials originating in the EEA when incorporated into a product obtained there. It shall not be necessary for such materials to have undergone sufficient working or processing.
3. Furthermore, in so far as such products are covered by the EEA Agreement they shall be considered as originating in the EEA when re-exported to another EEA Contracting Party.

**JOINT DECLARATION****concerning the Principality of Andorra**

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by Iceland, Liechtenstein and Norway as originating in the European Union within the meaning of the Agreement.
2. Protocol 4 shall apply, *mutatis mutandis*, for the purpose of defining the originating status of the abovementioned products.

**JOINT DECLARATION****concerning the Republic of San Marino**

1. Products originating in the Republic of San Marino shall be accepted by Iceland, Liechtenstein and Norway as originating in the European Union within the meaning of the Agreement.
2. Protocol 4 shall apply, *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

**JOINT DECLARATION****concerning the withdrawal of a Contracting Party from the Regional Convention on pan-Euro-Mediterranean preferential rules of origin**

1. Should a Contracting Party to the EEA give notice in writing to the depositary of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin of their intention to withdraw from the Convention according to its Article 9, the withdrawing Contracting Party shall immediately enter into negotiations on rules of origin with all other EEA Contracting Parties for the purpose of implementing this Agreement.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, applicable at the moment of withdrawal, shall apply *mutatis mutandis* between the withdrawing Contracting Party and the other EEA Contracting Parties. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the withdrawing Contracting Party and the other EEA Contracting Parties only.

▼B

## PROTOCOL 5

on customs duties of a fiscal nature (Liechtenstein  
►M1 ————— ◀)

1. Without prejudice to paragraph 2 of this Protocol, Liechtenstein ►M1 ————— ◀ may retain temporarily customs duties of a fiscal nature for products falling under the tariff headings specified in the annexed table while observing the conditions of Article 14 of the Agreement, Concerning tariff headings Nos 0901 and ex 2101, these customs duties shall be abolished at the latest on 31 December 1996.
2. When production is started in Liechtenstein ►M1 ————— ◀ of a product of like kind to one of those listed in the table, the customs duty of a fiscal nature to which the latter product is subject must be abolished.
3. The EEA Joint Committee shall examine the situation before the end of 1996.

TABLE

Tariff heading No	Description of goods
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; substitutes containing coffee in any proportion (for a transitional period of four years)
ex 2101	Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences and concentrations (for a transitional period of four years)
2707. 1010/9990	Mineral oils and products of their distillation
2709. 0010/0090	
2710. 0011/0029	
2711. 1110/2990	Petroleum gases and other gaseous hydrocarbons
ex all tariff chapters	Products which are used as motor fuels
ex 8407	Spark-ignition reciprocating or rotary internal combustion piston engines, for motor vehicles of heading Nos 8702.9010, 8703.1000/2420, 9010/9030, 8704.3110/3120, 9010/9020
ex 8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines), for motor vehicles of heading Nos 8702.1010, 8703.1000, 3100/3320, 8704.2110/2120
ex 8409	Parts suitable for use solely or principally with the engines of heading Nos 8407 or 8408:  – Cylinder blocks and cylinder heads for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/2420, 3100/3320, 8704.2110/2120, 3110/3120
ex 8702	Public-transport-type passenger motor vehicles, weighing each not more than 1 600 kg
ex 8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No 8702), including station wagons and racing cars
ex 8704	Motor vehicles for the transport of goods, weighing each not more than 1 600 kg
ex 8706	Chassis fitted with engines, for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020

**▼B**

Tariff heading No	Description of goods
ex 8707	Bodies (including cabs), for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020
ex 8708	Parts and accessories of motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020:
1000	– bumpers and parts thereof
2990	– other parts and accessories of bodies (including cabs), other than those of heading Nos 8708.1000/2010, not including luggage racks, licence plates and ski-racks; brakes and servo-brakes and parts thereof
3100	– mounted brake linings
3990	– other than compressed air tanks, for brakes
4090	– gear boxes
5090	– drive-axles with differential, whether or not provided with other transmission components
6090	– non-driving axles and parts thereof
7090	– road wheels and parts and accessories thereof, not including wheel rims and parts thereof, not surface-treated, and wheel rims and parts thereof, unfinished or roughed down
9299	– silencers and exhaust pipes other than ordinary silencers with side tubes of a length of not more than 15 cm
9390	– clutches and parts thereof
9490	– steering wheels, steering columns and steering boxes
9999	– other, not including steering-wheel covers

▼ M1

## **PROTOCOL 6**

### **on the building up of compulsory reserves by Liechtenstein**

Liechtenstein may subject to a scheme of compulsory reserves products which are indispensable for the survival of the population in times of serious supply shortages and the production of which in Liechtenstein is insufficient or non-existent and the characteristics and nature of which enable reserves to be built up.

Liechtenstein shall apply this scheme in a manner that does not involve discrimination, direct or indirect, between the products imported from the other Contracting Parties and like or substitute national products.

**▼B****PROTOCOL 7****on quantitative restrictions which Iceland may retain**

Notwithstanding Article 11 of the Agreement, Iceland may retain quantitative restrictions on the products listed below:

Icelandic heading No	Designation
96.03	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers; squeegees (other than roller squeegees): — Tooth brushes, shaving brushes, hair brushes, nail brushes, eyelash brushes and other toilet brushes for use on the person, including such brushes constituting parts of appliances:
96.03 29	— — Other:
96.03 29 01	— — — With brush backs of plastic material
96.03 29 09	— — — Other



**▼B**

**PROTOCOL 8**  
**on State Monopolies**

1. Article 16 of the Agreement shall be applicable at the latest from 1 January 1995 in the case of the following State monopolies of a commercial character:
  - Austrian monopoly on salt;
  - Icelandic monopoly on fertilizers;
  - ►**M1** ————— ◀ Liechtenstein monopoly on salt and gunpowder.
2. Article 16 shall also apply to wine (HS heading No 22.04).

**▼B****PROTOCOL 9**  
**on trade in Fish and other marine products***Article 1*

1. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall upon entry into force of the Agreement abolish customs duties on imports and charges having equivalent effect on the products listed in Table I of Appendix 2.

2. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Table I of Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

*Article 2*

1. The Community shall, upon the entry into force of the Agreement, abolish customs duties on imports and charges having equivalent effect on the products listed in Table II of Appendix 2.

2. The Community shall reduce customs duties on the products listed in Table III of Appendix 2 progressively in accordance with the following timetable:

- (a) on 1 January 1993 each duty shall be reduced to 86 % of the basic duty;
- (b) four further reductions of 14 % each of the basic duty shall be made on 1 January 1994, 1 January 1995, 1 January 1996 and 1 January 1997.

3. The basic duties to which the successive reductions provided for in paragraph 2 are to be applied shall, for each product, be the duties bound by the Community under the General Agreement on Tariffs and Trade, or, where the duty is not bound, the autonomous duty on 1 January 1992. Should, after 1 January 1992, any tariff reductions resulting from the multilateral trade negotiations of the Uruguay Round become applicable, such reduced duties shall be used as the basic duties.

Whenever in the context of bilateral agreements between the Community and individual EFTA States reduced duties exist for certain products, those duties shall be considered as the basic duties for each of the EFTA States concerned.

4. The rates of duty calculated in accordance with paragraphs 2 and 3 shall be applied by rounding down to the first decimal place by deleting the second decimal.

5. The Community shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

**▼B***Article 3*

The provisions of Articles 1 and 2 shall apply to products originating in the Contracting Parties. The rules of origin are set out in Protocol 4 of the Agreement.

*Article 4*

1. Aid granted through State resources to the fisheries sector which distorts competition shall be abolished.
2. Legislation relating to the market organization in the fisheries sector shall be adjusted so as not to distort competition.
3. The Contracting Parties shall endeavour to ensure conditions of competition which will enable the other Contracting Parties to refrain from the application of anti-dumping measures and countervailing duties.

*Article 5*

The Contracting Parties shall take the necessary measures to ensure that all fishing vessels flying the flag of other Contracting Parties enjoy access equal to that of their own vessels to ports and first-stage marketing installations together with all associated equipment and technical installations. Notwithstanding the provisions of the preceding paragraph, a Contracting Party may refuse landings of fish from a fish stock of common interest over the management of which there is serious disagreement.

*Article 6*

Should the necessary legislative adaptations not have been effected to the satisfaction of the Contracting Parties at the time of entry into force of the Agreement, any points at issue may be put to the EEA Joint Committee. In the event of failure to reach agreement, the provisions of Article 114 of the Agreement shall apply *mutatis mutandis*.

*Article 7*

The provisions of the agreements listed in Appendix 3 shall prevail over provisions of this Protocol to the extent they grant to the EFTA States concerned more favourable trade regimes than this Protocol.

**▼B***APPENDIX 1**Article 1*

On the following products Finland may temporarily maintain its present regime. Not later than 31 December 1992 Finland shall present a fixed timetable for the elimination of these exemptions.

HS heading No	Description of goods
ex 0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen — Fresh or chilled fillets of salmon — Fresh or chilled fillets of Baltic herring  (The term 'fillet' shall also cover fillets where the two sides are joined together, for example, by the back or the belly.)

*Article 2*

1. Liechtenstein ►**MI** ————— ◀ may maintain customs duties on imports of the following products.

HS heading No	Description of goods
ex 0301 to 0305	Fish, except ex 0304 frozen fillets, other than salt-water fish, eels and salmon

These arrangements shall be taken up for a review before 1 January 1993.

2. Without prejudice to possible tariffication resulting from the multilateral trade negotiations of the Uruguay Round, Liechtenstein ►**MI** ————— ◀ may maintain variable levies in the context of ►**MI** its ◀ agricultural policy for the following fish and other marine products.

HS heading No	Description of goods
ex Chapter 15	Fats and oils for human consumption
ex Chapter 23	Feedingstuffs for production animals

*Article 3*

1. On the following products Sweden may until 31 December 1993 apply quantitative restrictions on imports, in so far as this may be necessary to avoid serious disturbances in the Swedish market.

**▼B**

HS heading No	Description of goods
ex 0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Herring — Cod

2. As long as Finland temporarily maintains its present regime with regard to Baltic herring, Sweden may apply quantitative restrictions on imports of that product when originating in Finland.

▼B

## APPENDIX 2

TABLE I

HS heading No	Description of goods
0208	Other meat and edible meat offal, fresh chilled or frozen:
ex 0208 90	– Other: – – Of whale
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared:
ex 1516 10	– Animal fats and oils and their fractions: – – Obtained entirely from fish or marine mammals
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates:
ex 1603 00	– Extracts and juices of whale meat, fish or crustaceans, molluscs or other aquatic invertebrates
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
ex 2301 10	– Flours, meals and pellets, of meat or meat offal; greaves: – – Whale meal
ex 2301 20	– Flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates
2309	Preparations of a kind used in animal feeding:
ex 2309 90	– Other – – Fish solubles



TABLE II

CN heading No	Description of goods
0302 50 0302 69 35 0303 60 0303 79 41 0304 10 31	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , fresh, chilled or frozen, including fillets, fresh or chilled
0302 62 00 0303 72 00 ex 0304 10 39	Haddock ( <i>Melanogrammus aeglefinus</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0302 63 00 0303 73 00 ex 0304 10 39	Saithe [Coalfish] ( <i>Pollachius virens</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0302 21 10 0302 21 30 0303 31 10 0303 31 30 ex 0304 10 39	Lesser or Greenland halibut ( <i>Reinhardtius hippoglossoides</i> ) and Atlantic halibut ( <i>Hippoglossus hippoglossus</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0305 62 00 0305 69 10	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , salted but not dried or smoked and these fish in brine
0305 51 10 0305 59 11	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , dried, unsalted
0305 30 11 0305 30 19	Fillets of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, but not smoked
0305 30 90	Other fillets, dried, salted or in brine, but not smoked
1604 19 91	Other fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 30 90	Caviar substitutes

▼B

TABLE III

In each of the following headings, the concessions granted by the Community shall not include any products specified in Table II or in the attachment to Table III.

CN heading No	Description of goods
0301	Live fish
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304
0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine, flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans and molluscs, and other aquatic invertebrates, prepared or preserved



▼B*Attachment to Table III*

CN heading No	Description of goods
(a) Salmon: Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho huchó</i> )	
0301 99 11	live
0302 12 00	fresh or chilled
0303 10 00	frozen Pacific
0303 22 00	frozen Atlantic and Danube
0304 10 13	fresh or chilled fillets
0304 20 13	frozen fillets
ex 0304 90 97	other frozen meat of salmon
0305 30 30	fillets, salted or in brine, not smoked
0305 41 00	smoked, including fillets
0305 69 50	salted or in brine, but not dried or smoked
1604 11 00	whole or in pieces, prepared or preserved
1604 20 10	other prepared or preserved
(b) Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> )	
0302 40 90	fresh or chilled, from 16.6 to 14.2
ex 0302 70 00	livers and roes, fresh or chilled
0303 50 90	frozen, from 16.6 to 14.2
ex 0303 80 00	livers and roes, frozen
ex 0304 10 39	fresh fillets of herring
0304 10 93	fresh flaps, from 16.6 to 14.2
ex 0304 10 98	other fresh meat of herring
0304 20 75	frozen fillets
0304 90 25	other frozen meat of herring, from 16.6 to 14.2
ex 0305 20 00	livers and roes of herring, dried, smoked, salted or in brine
0305 42 00	smoked, including fillets
0305 59 30	dried, whether or not salted, but not smoked
0305 61 00	salted or in brine, but not dried or smoked
1604 12 10	fillets, raw, merely coated in batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 12 90	prepared or preserved herring, whole or in pieces, but not minced
ex 1604 20 90	other prepared or preserved herring

## ▼B

CN heading No	Description of goods
(c) Mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> )	
0302 64 90	fresh or chilled, from 16.6 to 14.2
0303 74 19	frozen, from 16.6 to 14.2 ( <i>S. scombrus</i> , <i>S. japonicus</i> )
0303 74 90	frozen, from 16.6 to 14.2 ( <i>S. australasicus</i> )
ex 0304 10 39	fresh fillets of mackerel
0304 20 51	frozen fillets ( <i>S. australasicus</i> )
ex 0304 20 53	frozen fillets ( <i>S. scombrus</i> , <i>S. japonicus</i> )
ex 0304 90 97	other frozen meat of mackerel
0305 49 30	smoked including fillets
1604 15 10	whole or in pieces, prepared or preserved ( <i>S. scombrus</i> , <i>S. japonicus</i> )
1604 15 90	whole or in pieces, prepared or preserved ( <i>S. australasicus</i> )
ex 1604 20 90	other prepared or preserved mackerel
(d) Shrimps and prawns	
0306 13 10	of the family Pandalidae, frozen
0306 13 30	of the genus <i>Crangon</i> , frozen
0306 13 90	her shrimps and prawns, frozen
0306 23 10	of the family Pandalidae, not frozen
0306 23 31	of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water
0306 23 39	other shrimps of the genus <i>Crangon</i>
0306 23 90	other shrimps and prawns, not frozen
1605 20 00	prepared or preserved
(e) Coquilles St Jacques ( <i>Pecten maximus</i> )	
ex 0307 21 00	live, fresh or chilled
0307 29 10	frozen
ex 1605 90 10	prepared or preserved
(f) Norway lobsters ( <i>Nephrops norvegicus</i> )	
0306 19 30	frozen
0306 29 30	not frozen
ex 1605 40 00	prepared or preserved

**▼B**

*APPENDIX 3*

Agreements between the Community and individual EFTA States, as referred to in Article 7:

- Agreement between the European Economic Community and the Kingdom of Sweden, signed on 22 July 1972, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;

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- Agreement between the European Economic Community and the Kingdom of Norway, signed on 14 May 1973, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;
- Article 1 of Protocol No 6 of the Agreement, between the European Economic Community and the Republic of Iceland, signed on 22 July 1972.

**▼B**

**PROTOCOL 10**  
**on simplification of inspections and formalities in respect of carriage of goods**

CHAPTER I  
**GENERAL PROVISIONS**

*Article 1*

**Definitions**

For the purposes of this Protocol:

- (a) ‘inspections’ shall mean the carrying out by customs or any other supervisory department of an operation which consists of the physical examination, including visual inspection, of the means of transport and/or the goods themselves with the aim of checking that their nature, origin, state, quantity or value are in conformity with the particulars given in the documents which have been presented;
- (b) ‘formalities’ shall mean any formality imposed on operators by the administration consisting in the presentation or examination of documents and certificates accompanying goods or other particulars, irrespective of form or medium, relating to the goods or means of transport.

*Article 2*

**Scope**

1. Without prejudice to the specific provisions in force under agreements concluded between the European Economic Community and EFTA States, this Protocol shall apply to inspections and formalities concerning the carriage of goods which have to cross a frontier between an EFTA State and the Community, as well as between the EFTA States.

2. This Protocol shall not apply to inspections or formalities:

- in respect of ships and aircraft as means of transport; however, it shall apply to vehicles and goods carried by the said means of transport;
- required for the issue of health or plant health certificates in the country of origin or of provenance of the goods.

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3. The customs security measures in Chapter IIa and Annexes I and II to the Protocol shall only apply between the Community and Norway.

4. When reference is made to the customs territory of the Contracting Parties in Chapter IIa and Annexes I and II to this Protocol, it covers:

- the customs territory of the Community,
- the customs territory of Norway.



CHAPTER II  
**PROCEDURES**

*Article 3*

**Random checks and formalities**

1. Save as otherwise expressly provided in this Protocol, the Contracting Parties shall take the necessary measures to ensure that:

- the different inspections and formalities provided for in Article 2(1) are carried out with the minimum delay necessary and, in so far as possible, at one place;
- inspections are carried out by means of random checks, except in duly justified circumstances.

2. For the purposes of implementing the second indent of paragraph 1, the basis for carrying out random checks shall be the total number of consignments passing through a frontier post and presented to a customs office or inspection authority during a given period, and not the total number of goods making up each consignment.

3. The Contracting Parties shall facilitate, at the places of departure and destination of goods, the use of simplified procedures and data processing and data transmission techniques for the purposes of the export, transit and import of goods.

4. The Contracting Parties shall endeavour to deploy customs offices, including those in the interior of their territory, in such a way as best to take account of the requirements of commercial operators.

*Article 4*

**Veterinary rules**

In areas relating to the protection of human and animal health and the protection of animals, implementation of the principles set out in Articles 3, 7 and 13 and the rules governing the fees to be charged in respect of the formalities and inspections carried out shall be decided upon by the EEA Joint Committee in accordance with Article 93(2) of the Agreement.

*Article 5*

**Plant health rules**

1. Plant health inspections of imports shall take the form only of random checks and sample testing except in duly justified circumstances. Such inspections shall be carried out at either the place of destination of the goods or another place designated within the respective territories on condition that the itinerary of the goods is affected to the least possible extent.

2. Rules governing the carrying out of identity checks on imports in relation to goods covered by plant health legislation shall be adopted by the EEA Joint Committee in accordance with Article 3(2) of the Agreement. The measures pertaining to the fees to be charged in respect of plant health formalities and inspections shall be decided upon by the EEA Joint Committee in accordance with Article 93(2) of the Agreement.

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3. Paragraphs 1 and 2 shall not apply to goods other than those produced in the Community or in an EFTA State except in cases where, by their nature, they present no plant health risk or in cases where they have undergone a plant health inspection on entering the territory of the respective Contracting Parties, and are found, at the time of such inspections, to meet the requirements relating to plant health laid down in their legislation.

4. Where a Contracting Party considers that there is imminent danger of the introduction or spread of harmful organisms in its territory, it may take such temporary measures as are necessary to protect itself against that danger. The Contracting Parties shall notify one another forthwith of the measures taken and of the reasons which made them necessary.

*Article 6***Delegation of powers**

The Contracting Parties shall see to it that, by express delegation by the competent authorities and on their behalf, one of the other services represented, and preferably the customs service, may carry out inspections for which those authorities are responsible and, in so far as such inspections relate to the requirement to produce the necessary documents, checks on the validity and authenticity thereof and on the identity of the goods declared in such documents. In that event the authorities concerned shall ensure that the means required for carrying out such checks are made available.

*Article 7***Recognition of inspections and documents**

For the purposes of implementing this Protocol and without prejudice to the possibility of carrying out random checks, the Contracting Parties shall, in the event of goods being imported or entering in transit, recognize the inspections carried out and the documents drawn up by the competent authorities of the other Contracting Parties which certify that the goods comply with the legal requirements of the country of import or equivalent requirements in the country of export.

*Article 8***Opening hours of frontier posts**

1. Where the volume of traffic so warrants, the Contracting Parties shall see to it that:

(a) frontier posts are open, except when traffic is prohibited, so that:

- frontiers can be crossed 24 hours a day with the corresponding inspections and formalities in respect of goods placed under a customs transit procedure, their means of transport and vehicles travelling unladen, save where frontier inspection is necessary in order to prevent the spread of disease or protect animals;
- inspections and formalities relating to the movement of means of transport and goods which are not moving under a customs transit procedure may be performed from Monday to Friday during an uninterrupted period of at least 10 hours, and on Saturday during an uninterrupted period of at least six hours, unless those days are public holidays;

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(b) as regards vehicles and goods transported by air, the periods referred to in the second indent of subparagraph (a) are adapted in such a way as to meet actual needs and for that purpose are split or extended if necessary.

2. Where general compliance with the periods referred to in the second indent of subparagraph 1(a) and in subparagraph 1(b) poses problems for veterinary services, the Contracting Parties shall see to it that, subject to at least 12 hours' notice being given by the carrier, a veterinary expert is available during those periods; in the case of the transport of live animals, however, the period of such notice may be increased to 18 hours.

3. Where several frontier posts are situated in the immediate vicinity of one and the same frontier zone, the Contracting Parties concerned may jointly agree for certain of such posts, to derogate from paragraph 1 provided that the other posts in that zone are able to clear goods and vehicles in accordance with that paragraph.

4. As regards the frontier posts and customs offices and services referred to in paragraph 1, and under the conditions laid down by the Contracting Parties, the competent authorities shall, if specifically requested during business hours and for sound reasons, provide for inspections and formalities to be carried out, as an exception, outside business hours, on condition that, where relevant, payment is made for services so rendered.

*Article 9***Express lanes**

The Contracting Parties shall endeavour to establish at frontier posts, where technically possible and justified by the volume of traffic, express lanes reserved for goods placed under a customs transit procedure, their means of transport, vehicles travelling unladen and all goods subject to such inspections and formalities as do not exceed those required in respect of goods placed under a transit procedure.

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## CHAPTER IIa

**CUSTOMS SECURITY MEASURES***Article 9a***Definitions**

For the purposes of this Chapter:

(a) 'risk' shall mean the likelihood of an event occurring in connection with the entry, exit, transit, transfer and end-use of goods moved between the customs territory of one of the Contracting Parties and third countries and the presence of goods that are not in free circulation, which pose a threat to the security and safety of the Contracting Parties, to public health, to the environment or to consumers;

**▼ M219**

- (b) ‘risk management’ shall mean the systematic identification of risk and implementation of all measures necessary for limiting exposure to risk. This includes activities such as collecting data and information, analysing and assessing risk, prescribing and taking action and regular monitoring and review of the process and its outcomes, based on sources and strategies defined by the Contracting Parties or internationally.

*Article 9b***General provisions on security**

1. The Contracting Parties shall introduce and apply to goods entering or leaving their customs territories the customs security measures defined in this Chapter ensuring thus an equivalent level of security at their external borders.
2. The Contracting Parties shall waive the application of the customs security measures defined in this Chapter where goods are carried between their respective customs territories.
3. Before concluding any agreement with a third country in the area covered by this Chapter, the Contracting Parties shall consult each other in order to ensure the compatibility with the provisions of this Chapter, particularly where that agreement contains provisions that are derogating from the customs security measures referred to in this Chapter. Each Contracting Party shall ensure that agreements with third countries do not create rights and obligations for another Contracting Party unless the EEA Joint Committee decides otherwise.

*Article 9c***Pre-arrival and pre-departure declarations**

1. Goods brought from third countries into the customs territory of the Contracting Parties shall be covered by an entry declaration (hereinafter referred to as the entry summary declaration) with the exception of goods carried on means of transport only passing through the territorial waters or the airspace of the customs territory without a stop within this territory.
2. Goods leaving the customs territory of the Contracting Parties for third countries, shall be covered by an exit declaration (hereinafter referred to as the exit summary declaration) with the exception of goods carried on means of transport only passing through the territorial waters or the airspace of the customs territory without a stop within this territory.
3. Entry and exit summary declarations shall be lodged before the goods are brought into or leave the customs territory of the Contracting Parties.
4. The lodging of the entry and exit summary declarations referred to in paragraphs 1 and 2 is optional until 31 December 2010 provided that transitional measures derogating from the obligation to present such declarations are applicable in the Community.

Where, in accordance with the first subparagraph, the entry or exit summary declaration is not lodged, risk analysis for customs security matters, referred to in Article 9e, shall be carried out by the customs authorities at the latest upon presentation of the goods at arrival or exit, where appropriate on the basis of any declaration covering these goods or any other information available for them.



**▼ M219**

5. Each Contracting Party shall determine the persons liable for lodging entry or exit summary declarations as well as the authorities competent for accepting such declaration.

6. Annex I to this Protocol establishes:

- the form and the particulars of the entry or exit summary declaration,
- the exceptions from the obligation to lodge an entry or exit summary declaration,
- the place where the entry or exit summary declaration shall be lodged,
- the deadlines for lodging the entry or exit summary declaration,
- any other provision necessary to ensure the application of this Article.

7. A customs declaration may be used as an entry or an exit summary declaration provided that it contains all the particulars required for a summary declaration.

*Article 9d***Authorised economic operator**

1. Each Contracting Party shall grant, subject to the criteria provided for in Annex II to this Protocol, the status of 'authorised economic operator' to any economic operator established in its customs territory.

However, subject to specific conditions, in particular taking into account international agreements with third countries, the requirement of being established in the customs territory of a Contracting Party may be waived for specific categories of authorised economic operators. Moreover, each Contracting Party shall determine whether and under what conditions an airline or shipping company which is not established on its territory but has a regional office there may be granted this status.

An authorised economic operator shall benefit from facilitations with regard to security-related customs controls.

The status of authorised economic operator granted in one Contracting Party shall, subject to the rules and conditions laid down in paragraph 2, be recognised by another Contracting Party, without prejudice to customs controls, particularly with a view to taking into account the implementation of agreements with third countries providing for a mutual recognition of the status of an authorised economic operator.

2. Annex II of this Protocol lays down:

- the rules for granting the status of authorised economic operator, in particular the criteria and conditions for granting this status,
- the type of facilitations that may be granted,
- the conditions under which the status is suspended or revoked,
- the procedures to exchange information between the Contracting Parties concerning their authorised economic operators,
- any other provision necessary to ensure the application of this Article.

**▼ M219***Article 9e***Security related customs controls and security risk management**

1. Customs controls other than random checks, shall be based on risk analysis using automated data processing techniques.
2. Each Contracting Party shall define its risk management framework, risk criteria and priority control areas related to security.
3. The Contracting Parties shall recognise the equivalence of their risk managements systems related to security.
4. The Contracting Parties shall cooperate with a view to:
  - exchanging information in order to improve and reinforce their risk analyses and efficiency of security controls, and
  - defining within an appropriate time span, a common risk management framework, common risk criteria, common priority control areas as well as putting in place an electronic common risk management system.
5. The EEA Joint Committee shall adopt the measures necessary for the application of this Article.

*Article 9f***Monitoring of the implementation of customs security measures**

1. The EEA Joint Committee shall define the rules allowing the Contracting Parties to ensure the monitoring of the implementation of this Chapter and to verify whether the provisions of this Chapter and Annexes I and II to this Protocol are complied with.
2. The monitoring referred to in paragraph 1 shall be ensured by:
  - regular evaluation of the implementation of this Chapter, in particular the evaluation of the equivalency of the customs security measures,
  - an examination with a view to improving the application of the provisions of this Chapter or to modifying them in order to better meet its objectives,
  - the organisation of meetings between experts of the Contracting Parties to discuss specific issues and a review of administrative procedures, including on-the-spot visits.
3. The measures taken in compliance with this Article shall not infringe the rights of operators concerned.

*Article 9g***Protection of professional secrecy and of personal data**

Information exchanged by the Contracting Parties in the framework of the provisions of this Chapter is protected by the law on professional secrecy and protection of personal data applicable in the Contracting Party to which the information is submitted.

**▼M219**

The information shall not be made available to any persons other than the competent authorities in the Contracting Party and shall not be used by these authorities for any purpose other than those provided for in this Chapter.

*Article 9h***Evolution of legislation**

1. All changes in Community legislation relevant to the rights and obligations of the Contracting Parties created by this Chapter and Annexes I and II to this Protocol shall be subject to the procedure stipulated in this Article.

2. As soon as the Community is drawing up new legislation in a field which is governed by this Chapter, it shall informally seek advice from experts of the EFTA State concerned according to the procedure stipulated in Article 99 of the Agreement.

3. When amendments to this Chapter and to Annexes I and II to this Protocol are necessary to take into account the development of Community legislation on matters covered by this Chapter and Annexes I and II, they shall be decided in such a manner as to allow applying these amendments simultaneously with those introduced in Community legislation and with due respect for the internal procedures of the Contracting Parties.

If a decision cannot be adopted in a way that allows such simultaneous application, the Contracting Parties shall where possible and with due respect for their internal procedures, provisionally apply the amendments provided for in the draft Decision.

4. For issues which are relevant for the EFTA State concerned, the Community shall ensure the participation as observers of experts from the EFTA State concerned in the Customs Code Committee set up by Article 247a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code.

*Article 9i***Safeguard measures and suspension of the provisions of this Chapter**

1. If a Contracting Party does not respect the conditions stipulated in this Chapter or if the equivalency of the customs security measures in the Contracting Parties is no longer assured, after consultations in the EEA Joint Committee and only for a scope and duration strictly necessary for settling the situation, another Contracting Party may suspend partially or completely the application of the provisions of this Chapter or take appropriate measures. Articles 112 to 114 of the Agreement apply *mutatis mutandis*.

2. If the equivalency of the customs security measures is no longer assured because the amendments referred to in Article 9h(3) have not been decided, the application of this Chapter is suspended on the date when the Community legislation concerned is applied, unless the EEA Joint Committee, having examined the measures to maintain its application, decides otherwise.

**▼ M219***Article 9j***Prohibitions or restrictions on imports, exports or goods in transit**

The provisions of this Chapter shall not preclude prohibitions or restrictions on imports, exports or goods in transit, introduced by the Contracting Parties or by the Member States of the Community and justified on grounds of public morality, public policy and public security, the protection of health and life of humans, animals or plants and the environment, the protection of national treasures possessing artistic, historical or archaeological value, or the protection of industrial and commercial property.

*Article 9k***The competences of the EFTA Surveillance Authority**

In cases concerning the application of this Chapter and Annexes I and II to this Protocol, the EFTA Surveillance Authority shall, before acting, launch consultations in accordance with Article 109(2) of the Agreement.

*Article 9l***Annexes**

The Annexes to this Protocol shall form an integral part thereof.

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CHAPTER III  
**COOPERATION**

*Article 10***Cooperation between authorities**

1. In order to facilitate the crossing of frontiers, the Contracting Parties shall take the measures necessary to extend cooperation at both national and regional or local level between the authorities responsible for the organization of inspections and between the various departments carrying out inspections and formalities on either side of such frontiers.

2. Each Contracting Party shall, in so far as it is concerned, see to it that persons engaged in trade covered by this Protocol can rapidly inform the competent authorities of any problems encountered when crossing frontiers.

3. The cooperation referred to in paragraph 1 shall cover in particular:

- (a) the arrangement of frontier posts in such a way as to meet traffic requirements;
- (b) the conversion of frontier offices into juxtaposed inspection offices, where possible;

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(c) the harmonization of the responsibilities of the frontier posts and offices situated on either side of the frontier;

(d) the seeking of appropriate solutions to any problems reported.

4. The Contracting Parties shall cooperate in order to harmonize the business hours of the various departments carrying out inspections and formalities on either side of the frontier.

*Article 11***Notification of new inspections and formalities**

Where a Contracting Party intends to introduce a new inspection or formality, it shall inform the other Contracting Parties thereof. The Contracting Party concerned shall ensure that the measures taken to facilitate the crossing of frontiers are not rendered inoperative through the application of such new inspections or formalities.

*Article 12***Free flow of traffic**

1. The Contracting Parties shall take the measures necessary to ensure that waiting time caused by the various inspections and formalities does not exceed the time required for their proper completion. To that end, they shall organize the business hours of the departments which are to carry out inspections and formalities, the staff available and the practical arrangements for processing goods and documents associated with the carrying out of inspections and formalities in such a way as to reduce waiting time in the flow of traffic to the fullest possible extent.

2. The competent authorities of the Contracting Parties in whose territory serious disruption in regard to the carriage of goods occurs, which is likely to jeopardize the objectives of simplifying and expediting the crossing of frontiers, shall immediately inform the competent authorities of the other Contracting Parties affected by such disruption.

3. The competent authorities of each Contracting Party so affected shall immediately take appropriate measures to ensure, as far as possible, the free flow of traffic. The measures shall be notified to the EEA Joint Committee which shall, where appropriate, meet in emergency session at the request of a Contracting Party, to discuss these measures.

*Article 13***Administrative assistance**

In order to ensure the smooth functioning of trade between the Contracting Parties and to facilitate the detection of any irregularity or infringement, the competent authorities of the Contracting Parties shall cooperate with each other *mutatis mutandis* in accordance with the provisions of Protocol 11.

*Article 14***Consultation groups**

1. The competent authorities of the Contracting Parties concerned may set up any consultation group responsible for dealing with questions of a practical, technical or organizational nature at regional or local level.

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2. Such consultation groups shall meet whenever necessary at the request of the competent authorities of a Contracting Party. The EEA Joint Committee shall be kept regularly informed of their deliberations by the Contracting Parties responsible for them.

## CHAPTER IV

**FINAL PROVISIONS***Article 15***Payment facilities**

The Contracting Parties shall see to it that any sums payable in respect of the inspections and formalities applied to trade can also be paid by means of guaranteed or certified international cheques, expressed in the currency of the country in which such sums are payable.

*Article 16***Relationship to other agreements and national legislation**

This Protocol shall not prevent the application of greater facilities which two or more Contracting Parties grant to each other, nor the right of the Contracting Parties to apply their own legislation to controls and formalities at their frontiers, on condition that this does not reduce in any way the facilities deriving from this Protocol.

▼ **M219***ANNEX I***ENTRY AND EXIT SUMMARY DECLARATIONS***Article 1***Form and content of the entry or exit summary declaration**

1. The entry or exit summary declaration shall be lodged using a data processing technique. Commercial, port or transport documentation may be used, provided that it contains the necessary particulars.

2. The entry or exit summary declaration shall contain the particulars laid down for such declaration in Annex 30A of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code<sup>(1)</sup>. It shall be completed in accordance with the explanatory notes in that Annex. The summary declaration shall be authenticated by the person making it.

3. The customs authorities shall allow the lodging of a paper-based entry or exit summary declaration, or any other means replacing it as agreed between the customs authorities, only in one of the following circumstances:

- (a) where the customs authorities' computerised system is not functioning;
- (b) where the electronic application of the person lodging the entry or exit summary declaration is not functioning,

provided that the customs authorities apply the same level of risk management as that applied to entry or exit summary declarations made using a data processing technique.

The paper-based entry or exit summary declaration shall be signed by the person making it. Such paper-based entry or exit summary declarations shall be accompanied, where necessary, by loading lists or other appropriate lists, and shall contain the particulars referred to in paragraph 2.

4. Each Contracting Party shall define the conditions and procedures according to which the person lodging the entry or exit summary declaration may modify one or more of the particulars of the declaration after lodging it, with the to customs authorities.

*Article 2***Exceptions from the obligation to lodge an entry or exit summary declaration**

1. An entry or exit summary declaration shall not be required in respect of the following goods:

- (a) electrical energy;
- (b) goods entering or leaving by pipeline;
- (c) letters, postcards and printed matter, including on electronic media;
- (d) goods moved under the rules of the Universal Postal Union Convention;

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- (e) goods for which an oral customs declaration or a declaration by simple crossing the border is permitted in accordance with the legislation of the Contracting Parties, with the exception of, if carried under a transport contract, household effects, pallets, containers and means of road, rail, air, sea or inland waterway transport;

<sup>(1)</sup> OJ L 253, 11.10.1993, p. 1.

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- (f) goods contained in travellers' personal luggage;
- (g) goods covered by ATA and CPD Carnets;
- (h) goods entitled to relief pursuant to the Vienna Convention on Diplomatic Relations of 18 April 1961, the Vienna Convention on Consular Relations of 24 April 1963 or other Consular conventions, or the New York Convention of 16 December 1969 on Special Missions;
- (i) weapons and military equipment brought into or out from the customs territory of a Contracting Party by the authorities in charge of the military defence of the Contracting Parties, in military transport or transport operated for the sole use of the military authorities;

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- (j) the following goods brought into or out from the customs territory of a Contracting Party directly to or from drilling or production platforms or wind turbines operated by a person established in the customs territory of the Contracting Parties:
  - (i) goods which were incorporated in such platforms or wind turbines, for the purposes of their construction, repair, maintenance or conversion;
  - (ii) goods which were used to fit to or to equip the said platforms or wind turbines;
  - (iii) other provisions used or consumed on the said platforms or wind turbines; and
  - (iv) non-hazardous waste products from the said platforms or wind turbines;

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- (k) goods in a consignment the intrinsic value of which does not exceed EUR 22 provided that the customs authorities accept, with the agreement of the economic operator, to carry out risk analysis using the information contained in, or provided by, the system used by the economic operator;
- (l) goods moved under cover of the form 302 provided for in the Convention between the Parties to the North Atlantic Treaty regarding the Status of their Forces, signed in London on 19 June 1951;

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- (m) goods brought from Heligoland, the Republic of San Marino and the Vatican City State to one of the Contracting Parties or sent from one of the Contracting Parties to these territories;
- (n) goods carried on board vessels of regular shipping services, duly certified following the same procedures as laid out in Article 313b of Regulation (EEC) No 2454/93.

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2. An entry or exit summary declaration shall not be required in cases provided for in international agreements concluded by a Contracting Party with a third country in the area of security subject to the procedure referred to in Article 9b(3) of this Protocol.

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3. An exit summary declaration shall not be required in the following cases:
- (a) for goods which are supplied for incorporation as parts of or accessories in vessels and aircraft, motor fuels, lubricants and gas necessary for the operation of the vessels or aircraft, foodstuffs, and other items to be consumed or sold on board;



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- (b) for goods that are placed under a transit procedure, when the data required for the exit summary declaration are given in the electronic transit declaration and provided the office of destination is also the customs office of exit;
  
- (c) for goods that are loaded at a port or airport in the respective customs territory of the Contracting Parties for discharge at another port or airport in that territory, when during an intermediate call at a port or airport outside that customs territory, those goods are to remain loaded on board the vessel or aircraft that transports them;
  
- (d) for goods that in a port or airport are not unloaded from the means of transport which carried them into the respective customs territory of the Contracting Parties and which will carry them out of that territory;
  
- (e) for goods that were loaded at a previous port or airport in the respective customs territory of the Contracting Parties and remain on the means of transport that will carry them out of that territory;
  
- (f) where goods in temporary storage or in a control type I free zone are transhipped from the means of transport that brought them to that temporary storage facility or free zone under the supervision of the same customs office onto a vessel, airplane or railway that will carry them from that temporary storage facility or free zone out of the respective customs territory of the Contracting Parties, provided that:
  - (i) the transhipment is undertaken within 14 calendar days from when the goods were presented for temporary storage or at a control type I free zone; in exceptional circumstances, the customs authorities may extend this period of time in order to deal with those circumstances;
  
  - (ii) information about the goods is available to the customs authorities; and
  
  - (iii) the destination of the goods and the consignee do not change, to the knowledge of the carrier.

**▼ M219***Article 3***Place where the entry or exit summary declaration has to be lodged**

1. The entry summary declaration shall be lodged with the competent customs office in the customs territory of the Contracting Party where the goods are brought in from third countries. On the basis of the data included in the declaration, that customs office shall carry out the risks analysis as well as the security customs controls that are deemed necessary, including when the goods are destined for the other Contracting Party.

2. The exit summary declaration shall be lodged with the competent customs office in the customs territory of the Contracting Party where the exit formalities for goods destined for third countries are carried out. However, where an export declaration is used as an exit summary declaration, it shall be lodged with the competent customs office in the customs territory of the Contracting Party where the formalities related to the export to a third country are carried out. That competent office shall carry out the risk analysis on the basis of the data included in the declaration as well as the security customs controls that are deemed necessary.

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3. When goods leave the customs territory of a Contracting Party to a third country through the customs territory of the other Contracting Party, the data referred to in Article 1(2) shall be transmitted by the competent authorities of the first Contracting Party to the competent authorities of the second Contracting Party. The Contracting Parties shall endeavour to establish a connection with a view to using a common system of data transmission, which contains all information necessary to certify the exit of the goods in question.

However, the EEA Joint Committee may determine cases where the transmission of the data is not required provided that such cases do not prejudice the level of security that is guaranteed by this Protocol.

Where the Contracting Parties are unable to carry out the transmission of data referred to in the first subparagraph on the date of application of this Protocol, the exit summary declaration for goods leaving a Contracting Party for a third country through the customs territory of another Contracting Party, except for goods in direct air transportation, shall be lodged only with the competent authorities of the second Contracting Party.

*Article 4***Deadlines for lodging an entry or an exit summary declaration**

1. Deadlines by which the entry or exit summary declaration is to be lodged shall be those referred to in Articles 184a and 592b of Regulation (EEC) No 2454/93.

2. Subject to the procedure referred to in Article 9b(3) of this Protocol, the deadlines mentioned in paragraph 1 shall not apply where international agreements on security between the Contracting Party and third countries provide otherwise.

**▼ M219***ANNEX II***AUTHORISED ECONOMIC OPERATOR****TITLE I****Granting the status of authorised economic operator***Article 1***General provisions**

1. The criteria for granting the status of authorised economic operator shall include:
  - (a) an appropriate record of compliance with customs requirements;
  - (b) a satisfactory system of managing commercial and, where appropriate, transport records, which allows appropriate customs controls;
  - (c) where appropriate, proven financial solvency; and
  - (d) where applicable, appropriate security and safety standards.
2. Each Contracting Party shall determine the procedure for granting the status of authorised economic operator and the legal effects of that status.
3. The Contracting Parties shall ensure that their customs authorities control that all the conditions and criteria for granting the status are complied with by the authorised economic operator and shall review them in case of an important amendment to the legislation concerned or when new circumstances appear, which raise a reasonable suspicion on the part of the authorities that the operator no longer complies with the conditions and criteria concerned.

*Article 2***Record of compliance**

1. The record of compliance with customs requirements shall be considered as appropriate if over the last three years preceding the submission of the application no serious infringement or repeated infringements of customs rules have been committed by any of the following persons:
  - (a) the applicant;
  - (b) the persons in charge of the applicant company or exercising control over its management;
  - (c) if applicable, the applicant's legal representative in customs matters;
  - (d) the person responsible in the applicant company for customs matters.
2. The record of compliance with customs requirements may be considered as appropriate if the competent customs authority considers any infringement to be of negligible importance in relation to the number or size of the customs-related operations, and not to create doubts concerning the good faith of the applicant.
3. If the persons exercising control over the applicant company are established or resident in a third country, the customs authorities shall assess their compliance with customs requirements on the basis of records and information that are available to them.

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4. If the applicant has been established for less than three years, the customs authorities shall assess his compliance with customs requirements on the basis of the records and information that are available to them.

*Article 3***Satisfactory system of managing of commercial and transport records**

To enable the customs authorities to establish that the applicant has a satisfactory system of managing commercial and, where appropriate, transport records, the applicant shall fulfil the following requirements:

- (a) maintain an accounting system which is consistent with the generally accepted accounting principles applied where the accounts are held and which will facilitate audit-based customs control;
- (b) allow the customs authority physical or electronic access to its customs and, where appropriate, transport records;
- (c) have an administrative organisation which corresponds to the type and size of business and which is suitable for the management of the flow of goods, and have internal controls capable of detecting illegal or irregular transactions;
- (d) where applicable, have satisfactory procedures in place for the handling of licenses and authorisations connected to importation and/or exportation;
- (e) have satisfactory procedures in place for the archiving of the company's records and information and for protection against the loss of information;
- (f) ensure that employees are made aware of the need to inform the customs authorities whenever compliance difficulties are discovered and establish suitable contacts to inform the customs authorities of such occurrences;
- (g) have appropriate information technology security measures in place to protect the applicant's computer system from unauthorised intrusion and to secure the applicant's documentation.

*Article 4***Financial solvency**

1. For the purposes of this Article, financial solvency shall mean a good financial standing which is sufficient to fulfil the commitments of the applicant, with due regard to the characteristics of the type of the business activity.
2. The condition relating to the financial solvency of the applicant shall be deemed to be met if his solvency can be proven for the past three years.
3. If the applicant has been established for less than three years, his financial solvency shall be judged on the basis of records and information that are available.

*Article 5***Security and safety standards**

1. The applicant's security and safety shall be considered to be appropriate if the following conditions are fulfilled:
  - (a) buildings to be used in connection with the operations to be covered by the certificate are constructed of materials which resist unlawful entry and provide protection against unlawful intrusion;

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- (b) appropriate access control measures are in place to prevent unauthorised access to shipping areas, loading docks and cargo areas;
- (c) measures for the handling of goods include protection against the introduction, exchange or loss of any material and tampering with cargo units;
- (d) where applicable, procedures are in place for the handling of import and/or export licenses connected to prohibitions and restrictions and to distinguish these goods from other goods;
- (e) the applicant has implemented measures allowing a clear identification of his business partners in order to secure the international supply chain;
- (f) the applicant conducts, in so far as legislation permits, security screening on prospective employees working in security sensitive positions and carries out periodic background checks;
- (g) the applicant ensures that its staff concerned actively participate in security awareness programmes.

2. If the applicant, established in the Contracting Parties, is the holder of an internationally recognised security and/or safety certificate issued on the basis of international conventions, of a European security and/or safety certificate issued on the basis of Community legislation, of an International Standard of the International Organisation for Standardisation, or of a European Standard of the European standard organisations, or of any other recognised certificate, the criteria provided for in paragraph 1 shall be deemed to be met to the extent that the criteria for issuing these certificates are identical or correspond to those laid down in this Annex.

**TITLE II****Facilitation granted to authorised economic operators***Article 6***Facilitation granted to authorised economic operators**

The customs authorities shall grant an authorised economic operator the following facilitations:

- the competent customs office may, before the arrival of the goods into the customs territory or before they leave it, notify the authorised economic operator when, as a result of security and safety risk analysis, the consignment has been selected for further physical control. This notice shall only be provided where it does not jeopardise the control to be carried out. However, the customs authorities may carry out a physical control even where an authorised economic operator has not been notified,
- an authorised economic operator may lodge entry and exit summary declarations comprising the reduced data requirements set out in Annex 30A of Regulation (EEC) No 2454/93; however where an economic operator is a carrier, freight forwarder or customs agent he is entitled to lodge such declarations only on the condition that he is involved in the importation or exportation of goods on behalf of an authorised economic operator,
- an authorised economic operator shall be subject to fewer physical and document-based controls than other economic operators. The customs authorities may decide otherwise in order to take into account a specific threat, or control obligations set out in other legislation,

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- where, following risk analysis, the competent customs authority nevertheless selects for further examination a consignment covered by an entry or exit summary declaration or by a customs declaration lodged by an authorised economic operator, it shall carry out the necessary controls as a matter of priority. If the authorised economic operator so requests, and subject to agreement with the customs authority concerned, these controls may be carried out at a place which is different from the place of the customs office involved.

**TITLE III****Suspension and revocation of the status of authorised economic operator***Article 7***Suspension of the status**

1. The status of authorised economic operator shall be suspended by the issuing customs authority in the following cases:
  - (a) where non-compliance with the conditions or criteria for granting the status has been detected;
  - (b) the customs authorities have sufficient reason to believe that an act, which gives rise to criminal court proceedings and is linked to an infringement of the customs rules, has been perpetrated by the authorised economic operator;
  - (c) upon a request of the authorised economic operator when he is temporarily incapable of complying with the conditions or criteria for granting of the status.
2. In the case referred to in point (b) of paragraph 1, the customs authority may decide not to suspend the status of authorised economic operator if it considers an infringement to be of negligible importance in relation to the number or size of the customs related operations and not to create doubts concerning the good faith of the authorised economic operator.
3. Where the nature or the level of the threat to citizens' security and safety, to public health or to the environment so requires, suspension shall take place immediately.
4. The suspension shall not affect any customs procedure already started before the date of suspension and not yet completed.
5. Each Contracting Party shall determine the duration of the suspension period which is to allow the authorised economic operator to regularise the situation.
6. When the economic operator concerned has, to the satisfaction of the customs authorities, taken the necessary measures to comply with the conditions and criteria that have to be met by an authorised economic operator, the issuing customs authority shall withdraw the suspension.

*Article 8***Revocation of the status**

1. The status of the authorised economic operator shall be revoked by the issuing customs authority in the following cases:
  - (a) where serious infringements related to customs rules have been committed by the authorised economic operator and there is no further right of appeal;

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- (b) where the authorised economic operator fails to take the necessary measures during the suspension period referred to in Article 7(5);
  - (c) upon request of the authorised economic operator.
2. However, in the case referred to in point (a) of paragraph 1, the customs authority may decide not to revoke the status if it considers the infringements to be of negligible importance in relation to the number or size of the customs related operations and not to create doubts concerning the good faith of the authorised economic operator.
3. Revocation shall take effect from the day following its notification.

**TITLE IV****Exchange of information***Article 9***Exchange of information**

The European Commission and the customs authorities of the relevant EFTA State shall, on a regular basis, exchange the following data concerning the identity of the authorised economic operators:

- (a) the Trader Identification Number of the operator (TIN) in a format compatible with the Economic Operator Registration and Identification EORI legislation;
- (b) the name and the address of the authorised economic operator;
- (c) the number of the document by which the status of the authorised economic operator was granted;
- (d) the current status (valid, suspended, revoked);
- (e) the periods when the status was modified;
- (f) the date from which the certificate is valid;
- (g) the authority which issued the certificate.

**▼B****PROTOCOL 11**  
**on mutual assistance in Customs Matters***Article 1***Definitions**

For the purposes of this Protocol:

- (a) ‘customs legislation’ shall mean provisions applicable in the territories of the Contracting Parties governing the import, export, transit of goods and their placing under any other customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- (b) ‘customs duties’ shall mean all duties, taxes, fees or other charges which are levied and collected in the territories of the Contracting Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- (c) ‘applicant authority’ shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;
- (d) ‘requested authority’ shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which receives a request for assistance in customs matters;
- (e) ‘contravention’ shall mean any violation of the customs legislation as well as any attempted violation of such legislation.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Protocol, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.
2. Assistance in customs matters, as provided for in this Protocol, applies to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters.

*Article 3***Assistance on request**

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene such legislation.
2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.



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3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:
- (a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
  - (b) movement of goods notified as possibly giving rise to substantial contraventions of customs legislation;
  - (c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

*Article 4***Spontaneous assistance**

The Contracting Parties shall within their competences provide each other with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which have contravened, contravene or would contravene such legislation and which may be of interest to other Contracting Parties;
- new means or methods employed in realizing such operations;
- goods known to be subject to substantial contravention of customs legislation on import, export, transit or any other customs procedure.

*Article 5***Delivery/Notification**

At the request of the applicant authority, the requested authority shall in accordance with its legislation take all necessary measures in order to:

- deliver all documents;
- notify all decisions;

falling within the scope of this Protocol to an addressee, residing or established in its territory.

*Article 6***Form and substance of requests for assistance**

1. Requests pursuant to the present Protocol shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

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2. Requests pursuant to paragraph 1 shall include the following information:
  - (a) the applicant authority;
  - (b) the measure requested;
  - (c) the object of and the reason for the request;
  - (d) laws, rules and other legal instruments involved;
  - (e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
  - (f) a summary of the relevant facts, except in cases provided for in Article 5.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

*Article 7***Execution of requests**

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and resources available, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out.
2. Requests for assistance will be executed in accordance with the laws, rules and other legal instruments of the requested Contracting Party.
3. Duly authorized officials of a Contracting Party may, with the agreement of the other Contracting Party involved and within the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to the contravention of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at enquiries carried out in the latter's territory.

*Article 8***Form in which information is to be communicated**

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

**▼B***Article 9***Exceptions to the obligation to provide assistance**

1. The Contracting Parties may refuse to give assistance as provided for in this Protocol, where to do so would:

- (a) be likely to prejudice sovereignty, public policy (*l'ordre publique*), security or other essential interests; or
- (b) involve currency or tax regulations other than regulations concerning customs duties; or
- (c) violate an industrial, commercial or professional secret.

2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefor must be notified to the applicant authority without delay.

*Article 10***Obligation to observe confidentiality**

Any information communicated in whatever form pursuant to this Protocol shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to like information under the relevant laws applicable in the Contracting Party which received it and the corresponding provisions applying to the Community authorities.

*Article 11***Use of information**

1. Information obtained shall be used solely for the purposes of this Protocol and may be used within each Contracting Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in the combat of illicit drug traffic.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.

3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

**▼B***Article 12***Experts and witnesses**

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of another Contracting Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matter and by virtue of what title or qualification the official will be questioned.

*Article 13***Assistance expenses**

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not dependent upon public services.

*Article 14***Implementation**

1. The management of this Protocol shall be entrusted to the central customs authorities of the EFTA States, on the one hand, and the competent services of the EC Commission and, where appropriate, the customs authorities of the EC Member States, on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Contracting Parties shall transmit to each other lists of the competent authorities appointed to act as correspondents for the purpose of the operational implementation of this Protocol.

As regards cases covered by Community competence, due account shall be taken in this respect of specific situations which, because of the urgency or the fact that only two countries are involved in a request or communication, may require direct contacts between the competent services of the EFTA States and of the EC Member States for the handling of requests or exchange of information. This information shall be supplemented by lists, to be revised when necessary, of officials of those services responsible for preventing, investigating and combating contravention of customs legislation.

Moreover, in order to ensure the maximum efficiency of operation of this Protocol, the Contracting Parties shall take appropriate measures to ensure that the departments responsible for combating customs fraud establish direct personal contacts, including when applicable at the level of local customs authorities, in order to facilitate exchange of information and handling of requests.

3. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Article.

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*Article 15*

**Complementarity**

1. This Protocol shall complement and not impede application of any agreements on mutual assistance which have been concluded or may be concluded between EC Member States and EFTA States as well as between the EFTA States. Nor shall it preclude more extensive mutual assistance granted under such agreements.
2. Without prejudice to Article 11, these agreements do not prejudice Community provisions governing the communication between the competent services of the EC Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.

**▼B****PROTOCOL 12****on conformity assessment agreements with third countries**

Mutual recognition agreements with third countries concerning conformity assessment for products where the use of a mark is provided for in EC legislation will be negotiated on the initiative of the Community. The Community will negotiate on the basis that the third countries concerned will conclude with the EFTA States parallel mutual recognition agreements equivalent to those to be concluded with the Community. The Contracting Parties shall cooperate in accordance with the general information and consultation procedures set out in the EEA Agreement. Should a difference arise in relations with third countries, it will be dealt with in accordance with the relevant provisions of the EEA Agreement.

**▼B****PROTOCOL 13****on the non-application of anti-dumping and countervailing measures**

The application of Article 26 of the Agreement is limited to the areas covered by the provisions of the Agreement and in which the Community *acquis* is fully integrated into the Agreement.

Moreover, unless other solutions are agreed upon by the Contracting Parties, its application is without prejudice to any measures which may be introduced by the Contracting Parties to avoid circumvention of the following measures aimed at third countries:

- anti-dumping measures;
- countervailing duties;
- measures against illicit commercial practices attributable to third countries.



**PROTOCOL 14**  
**on trade in coal and steel products**

*Article 1*

This Protocol applies to products covered by the bilateral Free Trade Agreements (hereinafter referred to as the 'Free Trade Agreements') concluded between, on the one hand, the European Coal and Steel Community and its Member States and the individual EFTA States, on the other hand, or, as the case may be, between the Member States of the European Coal and Steel Community and the respective EFTA States.

*Article 2*

1. The Free Trade Agreements shall remain unaffected unless otherwise provided in this Protocol. Where the Free Trade Agreements do not apply, the provisions of this Agreement are applicable. Where the substantive provisions of the Free Trade Agreements continue to be applied, the institutional provisions of those agreements will also be applicable.

2. Quantitative restrictions on exports, measures having equivalent effect and customs duties and charges having equivalent effect, applicable to trade within the European Economic Area, shall be abolished.

*Article 3*

The Contracting Parties shall not introduce any restrictions or administrative and technical regulations which would form, in trade between the Contracting Parties, an impediment to the free movement of products covered by this Protocol.

*Article 4*

The substantive competition rules applicable to undertakings concerning products covered by this Protocol are included in Protocol 25. Secondary legislation is set out in Protocol 21 and Annex XIV.

*Article 5*

The Contracting Parties shall comply with the rules for aid to the steel industry. They recognize in particular the relevance of, and accept, the Community rules for aid to the steel industry as laid down in Commission Decision 322/89/ECSC which expires on 31 December 1991. The Contracting Parties declare their commitment to integrate into the EEA Agreement new Community rules for aid to the steel industry by the entry into force of this Agreement, provided that they are substantially similar to those of the aforementioned act.

*Article 6*

1. The Contracting Parties shall exchange information on markets. The EFTA States shall use their best endeavours in order to ensure that steel producers, consumers and merchants provide such information.



**▼B**

2. The EFTA States shall use their best endeavours in order to ensure that the steel-producing undertakings established within their territories will participate in annual surveys concerning investment referred to in Article 15 of Commission Decision No 3302/81/ECSC of 18 November 1981. The Contracting Parties will exchange, without prejudice to the requirements of business confidentiality, information on significant investment or disinvestment projects.

3. All matters relating to the exchange of information between the Contracting Parties shall be covered by the general institutional provisions of this Agreement.

*Article 7*

The Contracting Parties note that the rules of origin laid down in Protocol 3 of the Free Trade Agreements concluded between the European Economic Community and individual EFTA States are replaced by Protocol 4 to this Agreement.

▼B**PROTOCOL 15****on transitional periods on the free movement of persons  
(►M1 ————— ◀ Liechtenstein)***Article 1*

The provisions of the Agreement and its Annexes relating to the free movement of persons between the EC Member States and EFTA States shall apply subject to the transitional provisions laid down in this Protocol.

▼M1

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▼B*Article 5*

1. Liechtenstein, on the one hand, and EC Member States and other EFTA States, on the other hand, may maintain in force until 1 January 1998 with regard to nationals from EC Member States and other EFTA States and to nationals of Liechtenstein, respectively, national provisions submitting to prior authorization entry, residence and employment.

2. Liechtenstein may maintain in force until 1 January 1998 with regard to nationals of EC Member States and other EFTA States quantitative limitations for new residents, seasonal workers and frontier workers. These quantitative limitations will be gradually reduced.

*Article 6*

1. Liechtenstein may maintain in force until 1 January 1998 national provisions limiting professional mobility of seasonal workers, including the obligation of such workers to leave the territory of Liechtenstein at the expiry of their seasonal permit for at least three months. As from 1 January 1993, seasonal permits will be automatically renewed for seasonal workers holding a seasonal work contract on their return to the territory of Liechtenstein.

2. Articles 10, 11 and 12 of Regulation (EEC) No 1612/68 as listed in point 2 of Annex V to the Agreement shall apply in Liechtenstein with regard to residents as from 1 January 1995 and with regard to seasonal workers as from 1 January 1997.

3. The arrangements provided for in paragraph 2 shall also apply to members of the family of a self-employed person in the territory of Liechtenstein.

*Article 7*

Liechtenstein may maintain in force until:

- 1 January 1998 national provisions requiring a worker who, while having his residence in a territory other than that of Liechtenstein, is employed in the territory of Liechtenstein (frontier worker) to return each day to the territory of his residence;

**▼B**

- 1 January 1998 national provisions on restrictions on professional mobility and access to professions for all categories of workers;
- 1 January 1995 national provisions on restrictions on access to professional activities with regard to self-employed persons having their residence in the territory of Liechtenstein. Such restrictions may be upheld until 1 January 1997 with regard to self-employed persons having their residence in a territory other than that of Liechtenstein.

*Article 8*

1. Other than the limitations set out in Articles 2 to 7, ►**M1** ————— ◀ Liechtenstein shall not introduce any new restrictive measures concerning entry, employment and residence of workers and self-employed persons as of the date of signature of the Agreement.
2. ►**M1** ————— ◀ Liechtenstein shall take all necessary measures so that during the transitional periods, nationals of EC Member States and of other EFTA States may take up available employment in the territory of ►**M1** ————— ◀ Liechtenstein with the same priority as nationals of ►**M1** ————— ◀ Liechtenstein ►**M1** ————— ◀.

*Article 9***▼M1**

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**▼B**

2. At the end of the transitional period for Liechtenstein the transitional measures shall be jointly reviewed by the Contracting Parties, duly taking into account the specific geographic situation of Liechtenstein.

*Article 10*

During transitional periods, existing bilateral arrangements will continue to apply unless provisions which are more favourable in their effect to citizens of the EC Member States and EFTA States result from the Agreement.

*Article 11*

For the purposes of this Protocol, the terms 'seasonal worker' and 'frontier worker' contained therein shall have the meaning as defined by the national legislation of ►**M1** ————— ◀ Liechtenstein ►**M1** ————— ◀, at the time of signature of the Agreement.

▼ B**PROTOCOL 16****on measures in the field of social security related to transitional periods on the free movement of persons (► M1 ————— ◀ Liechtenstein)***Article 1*

For the purposes of applying this Protocol and Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No L 149, 5.7.1971, p. 416), 'seasonal worker' shall mean, as ► M1 regarding ◀ Liechtenstein, any worker who is a national of an EC Member State or another EFTA State and who is the holder of a seasonal permit in the sense of the national legislation of ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, for a maximum period of nine months.

*Article 2*

During the period of validity of the permit, the seasonal worker shall be entitled to unemployment benefits according to ► M1 ————— ◀ Liechtenstein legislation ► M1 ————— ◀, under the same conditions as a national of ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, and according to the provisions of Regulation (EEC) No 1408/71.

*Article 3*

Part of the unemployment contributions paid by seasonal workers shall be reimbursed by ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, to the States of residence of these Workers according to the following procedure:

- (a) For each State, the total amount of contributions shall be established according to the number of seasonal workers who are nationals of this State and present in ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, at the end of August, to the average length of the season, to the wages and to the rates of contribution to ► M1 ————— ◀ Liechtenstein unemployment insurance ► M1 ————— ◀ (shares of the employer and of the worker).
- (b) The amount reimbursed to each State shall correspond to fifty per cent of the total amount of the contributions, calculated according to subparagraph (a).
- (c) The reimbursement shall be made only when the total number of seasonal workers residing in the State concerned exceeds, during the accounting period, ► M1 ————— ◀ 50 ► M1 ————— ◀.

▼ M1▼ B*Article 5*

The validity of this Protocol shall be limited to the length of the transitional periods as defined in Protocol 15.

**▼B****PROTOCOL 17  
concerning Article 34**

1. Article 34 of the Agreement shall not prejudice the adoption of legislation or the application of any measures by the Contracting Parties concerning third-country access to their markets.

Any legislation in a field which is governed by the Agreement shall be dealt with according to the procedures laid down in the Agreement and the Contracting Parties shall endeavour to elaborate corresponding EEA rules.

In all other cases the Contracting Parties shall inform the EEA Joint Committee of the measures and, whenever necessary, endeavour to adopt provisions to ensure that the measures are not circumvented through the territory of the other Contracting Parties.

If no agreement can be reached on such rules or provisions, the Contracting Party concerned may take measures necessary to prevent circumvention.

2. For the definition of the beneficiaries of the rights derived from Article 34, Title I of the General Programme for the abolition of restrictions on freedom of establishment (OJ 2, 15.1.1962, p. 36/62) shall apply with the same legal effect as within the Community.

**▼B****PROTOCOL 18****on internal procedures for the implementation of Article 43**

For the Community, the procedures to be followed for the implementation of Article 43 of the Agreement are set out in the Treaty establishing the European Economic Community.

For the EFTA States, the procedures are set out in the agreement on a Standing Committee of the EFTA States and will cover the following elements:

An EFTA State which intends to take measures in accordance with Article 43 of the Agreement shall in good time give notice thereof to the Standing Committee of the EFTA States.

However, in case of secrecy or urgency, notice shall be given to the other EFTA States and to the Standing Committee of the EFTA States at the latest by the date of entry into force of the measures.

The Standing Committee of the EFTA States shall examine the situation and deliver an opinion regarding the introduction of the measures. It shall keep the situation under review and may at any time make, by majority vote, recommendations regarding the possible amendment, suspension or abolition of the measures introduced or regarding any other measures to assist the EFTA State concerned to overcome its difficulties.



## **PROTOCOL 19**

### **on maritime transport**

The Contracting Parties shall not apply between themselves the measures referred to in Council Regulations (EEC) Nos 4057/86 (OJ No L 378, 31.12.1986, p. 14) and Nos 4058/86 (OJ No L 378, 31.12.1986, p. 21) and Council Decision 83/573/EEC (OJ No L 332, 28.11.1983, p. 37) or any other similar measures, provided that the *acquis* on maritime transport included in the Agreement is fully implemented.

The Contracting Parties will coordinate their actions and measures towards third countries and third country companies in the area of maritime transport according to the following provisions:

1. if a Contracting Party decides to monitor the activities of certain third countries in the field of cargo shipping it shall inform the EEA Joint Committee and may propose to other Contracting Parties that they participate in this action;
2. if a Contracting Party decides to make diplomatic representations to a third country in response to a restriction or a threat to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. The other Contracting Parties may decide to join in such diplomatic representations;
3. if any of the Contracting Parties intends to take measures or action against a third country and/or third-country shipowners in order to respond, *inter alia*, to unfair pricing practices by certain third-country shipowners engaged in international cargo-liner shipping or to restrictions or threats to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. Whenever appropriate, the Contracting Party initiating the procedures may request the other Contracting Parties to cooperate in these procedures.

The other Contracting Parties may decide to take the same measures or actions for their own jurisdictions. Where measures or actions taken by a Contracting Party are evaded through the territory of other Contracting Parties which have not adopted such measures or actions, the Contracting Party whose measures or actions are evaded may take appropriate measures to remedy the situation;

4. if any of the Contracting Parties intends to negotiate cargo-sharing arrangements as described in Articles 5(1) and 6 of Council Regulation (EEC) No 4055/86 (OJ No L 378, 31.12.1986, p. 1) or to extend the provisions of this Regulation to nationals of a third country as foreseen in Article 7 thereof, it shall inform the EEA Joint Committee.

If one or more of the other Contracting Parties object to the intended action, a satisfactory solution will be sought within the EEA Joint Committee. If the Contracting Parties do not reach agreement, appropriate measures may be taken. If no other means are available, such measures may include the revocation between Contracting Parties of the principle of freedom to provide maritime transport services, established in Article 1 of the Regulation;

5. whenever possible, the information referred to in paragraphs 1 to 4 shall be given in good time to allow the Contracting Parties to coordinate their actions;

**▼B**

6. at the request of a Contracting Party, consultations shall take place between Contracting Parties on questions concerning shipping matters and dealt with in international organizations and on the various aspects of development which have taken place in relations between Contracting Parties and third countries in shipping matters, and on the functioning of bilateral or multilateral agreements concluded in this sphere.



**▼B****PROTOCOL 20****on access to inland waterways**

1. Mutual right of access shall be granted by each of the Contracting Parties to each other's inland waterways. In the case of the Rhine and the Danube, the Contracting Parties will take all necessary steps to reach simultaneously the objective of equal access and freedom of establishment in the area of inland waterways.
2. Arrangements to ensure reciprocal equal access to inland waterways within the territory of the Contracting Parties for all Contracting Parties shall be elaborated within the international organizations concerned by 1 January 1996, taking into account the obligations under relevant multilateral Agreements.
3. All relevant *acquis* in inland waterways shall apply as of the entry into force of the Agreement to those EFTA States which have, at that time, access to Community inland waterways, and to the other EFTA States as soon as they obtain the right of equal access.

However, Article 8 of Regulation (EEC) No 1101/89 of 27 April 1989 (OJ No L 116, 28.4.1989, p. 25), as adapted for the purposes of the Agreement, shall become applicable to such inland waterway vessels from the latter EFTA States which are brought into service after 1 January 1993 as soon as these States obtain access to the inland waterways of the Community.

▼ B**PROTOCOL 21****on the implementation of competition rules applicable to undertakings***Article 1*

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the EC Commission, at the time of the signature of the Agreement, for the application of the competition rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, enabling the EFTA Surveillance Authority to give effect to the principles laid down in Articles 1(2)(e) and 53 to 60 of the Agreement, and in Protocol 25.

The Community shall, where necessary, adopt the provisions giving effect to the principles laid down in Articles 1(2)(e) and 53 to 60 of the Agreement, and in Protocol 25, in order to ensure that the EC Commission has equivalent powers and similar functions under this Agreement to those which it has, at the time of the signature of the Agreement, for the application of the competition rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community.

*Article 2*

If, following the procedures set out in Part VII of the Agreement, new acts for the implementation of Articles 1(2)(e) and 53 to 60 and of Protocol 25, or on amendments of the acts listed in Article 3 of this Protocol are adopted, corresponding amendments shall be made in the agreement setting up the EFTA Surveillance Authority so as to ensure that the EFTA Surveillance Authority will be entrusted simultaneously with equivalent powers and similar functions to those of the EC Commission.

*Article 3*

1. In addition to the acts listed in Annex XIV, the following acts reflect the powers and functions of the EC Commission for the application of the competition rules of the Treaty establishing the European Economic Community:

*Control of concentrations*▼ M137

1. **32004 R 0139:** Article 4(4) and (5) and Articles 6 to 26 of Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (OJ L 24, 29.1.2004, p. 1).

▼ M43

2. ► **M225 32004 R 0802:** Commission Regulation (EC) No 802/2004 of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (OJ L 133, 30.4.2004, p. 1), as corrected by OJ L 172, 6.5.2004, p. 9, as amended by:

**▼ M43**

- **32006 R 1792**: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1),
- **32008 R 1033**: Commission Regulation (EC) No 1033/2008 of 20 October 2008 (OJ L 279, 22.10.2008, p. 3), ◀

**▼ M273**

- **32013 R 1269**: Commission Implementing Regulation (EU) No 1269/2013 of 5 December 2013 (OJ L 336, 14.12.2013, p. 1),

**▼ M281**

- **32013 R 0519**: Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74).

**▼ B***General procedural rules*

3. ▶ **M150 32003 R 0001**: Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1) ◀, ▶ **M160** as amended by:

- **32004 R 0411**: Council Regulation (EC) No 411/2004 of 26 February 2004 (OJ L 68, 6.3.2004, p. 1), ◀

**▼ M185**

- **32006 R 1419**: Council Regulation (EC) No 1419/2006 of 25 September 2006 (OJ L 269, 28.9.2006, p. 1).

**▼ B**

4. ▶ **M154 32004 R 0773**: Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to the conduct of proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (OJ L 123, 27.4.2004, p. 18), ◀

**▼ M201**

- **32006 R 1792**: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1),

**▼ M226**

- **32008 R 0622**: Commission Regulation (EC) No 622/2008 of 30 June 2008 (OJ L 171, 1.7.2008, p. 3),

**▼ M281**

- **32013 R 0519**: Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74).

**▼ M154****▼ B***Transport***▼ M150**

▼ M70  
\_\_\_\_\_▼ B

10. **374 R 2988**: Council Regulation (EEC) No 2988/74 of 26 November 1974 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition (OJ No L 319, 29.11.1974, p. 1), ► **M150** as amended by:

— **32003 R 0001**: Council Regulation (EC) No 1/2003 of 16 December 2002 (OJ L 1, 4.1.2003, p. 1). ◀

▼ M150  
\_\_\_\_\_▼ M70  
\_\_\_\_\_▼ B

13. **387 R 3975**: Council Regulation (EEC) No 3975/87 of 14 December 1987 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector (OJ No L 374, 31.12.1987, p. 1), as amended by:

— **391 R 1284**: Council Regulation (EEC) No 1284/91 of 14 May 1991 (OJ No L 122, 17.5.1991, p. 2),

▼ M3

— **392 R 2410**: Council Regulation (EEC) No 2410/92 of 23 July 1992 (OJ No L 240, 24. 8. 1992, p. 18),

▼ M150

— **32003 R 0001**: Council Regulation (EC) No 1/2003 of 16 December 2002 (OJ L 1, 4.1.2003, p. 1),

▼ M160

— **32004 R 0411**: Council Regulation (EC) No 411/2004 of 26 February 2004 (OJ L 68, 6.3.2004, p. 1).

▼ M70  
\_\_\_\_\_▼ M154  
\_\_\_\_\_▼ B

2. In addition to the acts listed in Annex XIV, the following acts reflect the powers and functions of the EC Commission for the application of the competition rules of the Treaty establishing the European Coal and Steel Community (ECSC):

1. Article (ECSC) 65(2), subparagraphs 3 to 5, (3), (4), subparagraph 2, and (5).

2. Article (ECSC) 66(2), subparagraphs 2 to 4, and (4) to (6).

3. **354 D 7026**: High Authority Decision No 26/54 of 6 May 1954 laying down in implementation of Article 66(4) of the Treaty a regulation concerning information to be furnished (*Official Journal of the European Coal and Steel Community* No 9, 11.5.1954, p. 350/54).

**▼ B**

4. **378 S 0715:** Commission Decision No 715/78/ECSC of 6 April 1978 concerning limitation periods in proceedings and the enforcement of sanctions under the Treaty establishing the European Coal and Steel Community (OJ No L 94, 8.4.1978, p. 22).
5. **384 S 0379:** Commission Decision No 379/84/ECSC of 15 February 1984 defining the powers of officials and agents of the Commission instructed to carry out the checks provided for in the ECSC Treaty and decisions taken in application thereof (OJ No L 46, 16.2.1984, p. 23).

**▼ M150****▼ B***Article 8*

Applications ► **M150** — submitted to the EC Commission prior to the date of entry into force of the Agreement shall be deemed to comply with the provisions on application ► **M150** — ◀ under the Agreement.

The competent surveillance authority pursuant to Article 56 of the Agreement and Article 10 of Protocol 23 may require a duly completed form as prescribed for the implementation of the Agreement to be submitted to it within such time as it shall appoint. In that event, applications ► **M150** — ◀ shall be treated as properly made only if the forms are submitted within the prescribed period and in accordance with the provisions of the Agreement.

**▼ M150****▼ B***Article 10*

The Contracting Parties shall ensure that the measures affording the necessary assistance to officials of the EFTA Surveillance Authority and the EC Commission, in order to enable them to make their investigations as foreseen under the Agreement, are taken within six months of the entry into force of the Agreement.

*Article 11*

As regards agreements, decisions and concerted practices already in existence at the date of entry into force of the Agreement which fall under Article 53(1), the prohibition in Article 53(1) shall not apply where the agreements, decisions or practices are modified within six months from the date of entry into force of the Agreement so as to fulfil the conditions contained in the block exemptions provided for in Annex XIV.

*Article 12*

As regards agreements, decisions of associations of undertakings and concerted practices already in existence at the date of entry into force of the Agreement which fall under Article 53(1), the prohibition in Article 53(1) shall not apply, from the date of entry into force of the Agreement, where the agreements, decisions or practices are modified within six months from the date of entry into force of the Agreement so as not to fall under the prohibition of Article 53(1) any more.

**▼ B***Article 13*

Agreements, decisions of associations of undertakings and concerted practices which benefit from an individual exemption granted under Article 85(3) of the Treaty establishing the European Economic Community before the entry into force of the Agreement shall continue to be exempted as regards the provisions of the Agreement, until their date of expiry as provided for in the decisions granting these exemptions or until the EC Commission otherwise decides, whichever date is the earlier.

**▼ M150****Review clause**

By the end of 2005 and at the request of one of the Contracting Parties, the Parties shall review the mechanisms for the enforcement of Articles 53 and 54 of the Agreement as well as the cooperation mechanisms of Protocol 23 to the Agreement, with a view to ensuring the homogenous and effective application of those Articles. The Parties shall in particular review the Decision of the EEA Joint Committee No 130/2004 of 24 September 2004 in light of the Parties' experiences with the new system of enforcing the competition rules and explore the possibility of mirroring in the EEA the system established in the EU by Council Regulation (EC) No 1/2003 as regards the application of Articles 81 and 82 of the Treaty by national competition authorities, the horizontal cooperation between national competition authorities and the mechanism for ensuring uniform application of the competition rules by national authorities.

**▼B****PROTOCOL 22****concerning the definition of ‘undertaking’ and ‘turnover’  
(Article 56)***Article 1*

For the purposes of the attribution of individual cases pursuant to Article 56 of the Agreement, an ‘undertaking’ shall be any entity carrying out activities of a commercial or economic nature.

*Article 2*

‘Turnover’ within the meaning of Article 56 of the Agreement shall comprise the amounts derived by the undertakings concerned, in the territory covered by the Agreement, in the preceding financial year from the sale of products and the provision of services falling within the undertaking's ordinary scope of activities after deduction of sales rebates and of value-added tax and other taxes directly related to turnover.

*Article 3***▼M136**

In place of turnover the following shall be used:

- (a) for credit institutions and other financial institutions, the sum of the following income items as defined in Council Directive 86/635/EEC, after deduction of value added tax and other taxes directly related to those items, where appropriate:
  - (i) interest income and similar income;
  - (ii) income from securities:
    - income from shares and other variable yield securities,
    - income from participating interests,
    - income from shares in affiliated undertakings;
  - (iii) commissions receivable;
  - (iv) net profit on financial operations;
  - (v) other operating income.

The turnover of a credit or financial institution in the territory covered by the Agreement shall comprise the income items, as defined above, which are received by the branch or division of that institution established in the territory covered by the Agreement;

- (b) for insurance undertakings, the value of gross premiums written which shall comprise all amounts received and receivable in respect of insurance contracts issued by or on behalf of the insurance undertakings, including also outgoing reinsurance premiums, and after deduction of taxes and parafiscal contributions or levies charged by reference to the amounts of individual premiums or the total volume of premiums; as regards Article 1(2)(b) and (3)(b), (c) and (d) and the final part of Article 1(2) and (3) of Council Regulation (EC) No 139/2004, gross premiums received from residents in the territory covered by the Agreement shall be taken into account.

**▼B***Article 4*

1. In derogation from the definition of the turnover relevant for the application of Article 56 of the Agreement, as contained in Article 2 of this Protocol, the relevant turnover shall be constituted:
  - (a) as regards agreements, decisions of associations of undertakings and concerted practices related to distribution and supply arrangements between non-competing undertakings, of the amounts derived from the sale of goods or the provision of services which are the subject matter of the agreements, decisions or concerted practices, and from the other goods or services which are considered by users to be equivalent in view of their characteristics, price and intended use;
  - (b) as regards agreements, decisions of associations of undertakings and concerted practices related to arrangements on transfer of technology between non-competing undertakings, of the amounts derived from the sale of goods or the provision of services which result from the technology which is the subject matter of the agreements, decisions or concerted practices, and of the amounts derived from the sale of those goods or the provision of those services which that technology is designed to improve or replace.
2. However, where at the time of the coming into existence of arrangements as described in paragraph 1(a) and (b) turnover as regards the sale of goods or the provision of services is not in evidence, the general provision as contained in Article 2 shall apply.

*Article 5*

1. Where individual cases concern products falling within the scope of application of Protocol 25, the relevant turnover for the attribution of those cases shall be the turnover achieved in these products.
2. Where individual cases concern products falling within the scope of application of Protocol 25 as well as products or services falling within the scope of application of Articles 53 and 54 of the Agreement, the relevant turnover is determined by taking into account all the products and services as provided for in Article 2.



**▼ M150****PROTOCOL 23****concerning the cooperation between the surveillance authorities (article 58)****GENERAL PRINCIPLES***Article 1*

1. The EFTA Surveillance Authority and the EC Commission shall exchange information and consult each other on general policy issues at the request of either of the surveillance authorities.
2. The EFTA Surveillance Authority and the EC Commission, in accordance with their internal rules, respecting Article 56 of the Agreement and Protocol 22 and the autonomy of both sides in their decisions, shall cooperate in the handling of individual cases falling under Article 56(1)(b) and (c), (2), second sentence and (3), as provided for in the provisions below.
3. For the purposes of this Protocol, the term ‘territory of a surveillance authority’ shall mean for the EC Commission the territory of the EC Member States to which the Treaty establishing the European Community applies, upon the terms laid down in that Treaty, and for the EFTA Surveillance Authority the territories of the EFTA States to which the Agreement applies.

**▼ M203***Article 1A*

In the interests of homogeneous interpretation by the EFTA Surveillance Authority and the EC Commission of Articles 53 and 54 of the Agreement and of Articles 81 and 82 of the Treaty, the EFTA Surveillance Authority and the competent authorities of the EFTA States may also be allowed to participate in meetings of the network of public authorities referred to in recital 15 of Council Regulation (EC) No 1/2003 for the purposes of discussion of general policy issues only. The EFTA Surveillance Authority, the EC Commission and the competent authorities of the EFTA states and of the EC Member States shall have the power to make available all information necessary for the purpose of such general policy discussion in that network. Information made available in this context shall not be used for enforcement purposes. This participation shall be without prejudice to rights of participation of the EFTA States and the EFTA Surveillance Authority granted under the EEA Agreement.

**▼ M150****THE INITIAL PHASE OF THE PROCEEDINGS***Article 2*

1. In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the EFTA Surveillance Authority and the EC Commission shall without undue delay forward to each other complaints to the extent that it is not apparent that these have been addressed to both surveillance authorities. They shall also inform each other when opening *ex officio* procedures.
2. The EFTA Surveillance Authority and the EC Commission shall without undue delay forward to each other information received from the national competition authorities within their respective territories concerning the commencement of the first formal investigative measure in cases falling under Article 56 (1)(b) and (c), (2), second sentence and (3) of the Agreement.

**▼ M150**

3. The surveillance authority which has received information as provided for in the first paragraph may present its comments thereon within 30 working days of its receipt.

*Article 3*

1. The competent surveillance authority shall, in cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, consult the other surveillance authority when:

- addressing to the undertakings or associations of undertakings concerned its statement of objections,
- publishing its intention to adopt a decision declaring Article 53 or 54 of the Agreement not applicable, or
- publishing its intention to adopt a decision making commitments offered by the undertakings binding on the undertakings.

2. The other surveillance authority may deliver its comments within the time limits set out in the abovementioned publication or statement of objections.

3. Observations received from the undertakings concerned or third parties shall be transmitted to the other surveillance authority.

*Article 4*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall transmit to the other surveillance authority the administrative letters by which a file is closed or a complaint rejected.

*Article 5*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall invite the other surveillance authority to be represented at hearings of the undertakings concerned. The invitation shall also extend to the States falling within the competence of the other surveillance authority.

**ADVISORY COMMITTEES***Article 6*

1. In cases falling under Article 56 (1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall, in due time, inform the other surveillance authority of the date of the meeting of the Advisory Committee and transmit the relevant documentation.

2. All documents forwarded for that purpose from the other surveillance authority shall be presented to the Advisory Committee of the surveillance authority which is competent to decide on a case in accordance with Article 56 together with the material sent out by that surveillance authority.

3. Each surveillance authority and the States falling within its competence shall be entitled to be present in the Advisory Committees of the other surveillance authority and to express their views therein; they shall not have, however, the right to vote.

▼ **M150**

4. Consultations may also take place by written procedure. However, if the surveillance authority which is not competent to decide on a case in accordance with Article 56 so requests, the competent surveillance authority shall convene a meeting.

**REQUEST FOR DOCUMENTS AND THE RIGHT  
TO MAKE OBSERVATIONS**

*Article 7*

The surveillance authority which is not competent to decide on a case in accordance with Article 56 of the Agreement may request from the other surveillance authority at all stages of the proceedings copies of the most important documents concerning cases falling under Article 56(1)(b) and (c), (2) second sentence and (3) of the Agreement, and may furthermore, before a final decision is taken, make any observations it considers appropriate.

**ADMINISTRATIVE ASSISTANCE**

*Article 8*

1. When the competent surveillance authority, as defined in Article 56 of the Agreement, by simple request or by decision requires an undertaking or association of undertakings located within the territory of the other surveillance authority to supply information, it shall at the same time forward a copy of the request or decision to the other surveillance authority.

2. At the request of the competent surveillance authority, as defined in Article 56 of the Agreement, the other surveillance authority shall, in accordance with its internal rules, undertake inspections within its territory in cases where the competent surveillance authority so requesting considers it to be necessary.

3. The competent surveillance authority is entitled to be represented and take an active part in inspections carried out by the other surveillance authority in respect of paragraph 2.

4. All information obtained during such inspections on request shall be transmitted to the surveillance authority which requested the inspections immediately after their finalization.

5. Where the competent surveillance authority, in cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, carries out inspections within its territory, it shall inform the other surveillance authority of the fact that such inspections have taken place and, on request, transmit to that authority the relevant results of the inspections.

6. When the competent surveillance authority as defined in Article 56 of the Agreement interviews a consenting natural or legal person in the territory of the other surveillance authority, the latter shall be informed thereof. The surveillance authority which is not competent may be present during such an interview, as well as officials from the competition authority on whose territory the interviews are conducted.

**EXCHANGE AND USE OF INFORMATION**

*Article 9*

1. For the purpose of applying Articles 53 and 54 of the Agreement, the EFTA Surveillance Authority and the EC Commission shall have the power to provide one another with and use in evidence any matter of fact or of law, including confidential information.

**▼ M150**

2. Information acquired or exchanged pursuant to this Protocol shall only be used in evidence for the purpose of procedures under Articles 53 and 54 of the Agreement and in respect of the subject matter for which it was collected.

3. Where the information referred to in Article 2 (1) and (2) concerns a case which has been initiated as a result of an application for leniency, that information cannot be used by the receiving surveillance authority as the basis for starting an inspection on its own behalf. This is without prejudice to any power of the surveillance authority to open an inspection on the basis of information received from other sources.

4. Save as provided under paragraph 5, information voluntarily submitted by a leniency applicant will only be transmitted to the other surveillance authority with the consent of the applicant. Similarly other information that has been obtained during or following an inspection or by means of or following any other fact-finding measures which, in each case, could not have been carried out except as a result of the leniency application will only be transmitted to the other surveillance authority if the applicant has consented to the transmission to that authority of information it has voluntarily submitted in its application for leniency. Once the leniency applicant has given consent to the transmission of information to the other surveillance authority, that consent may not be withdrawn. This paragraph is without prejudice, however, to the responsibility of each applicant to file leniency applications to whichever authorities it may consider appropriate.

5. Notwithstanding paragraph 4, the consent of the applicant for the transmission of information to the other surveillance authority is not required in any of the following circumstances:

- (a) no consent is required where the receiving surveillance authority has also received a leniency application relating to the same infringement from the same applicant as the transmitting surveillance authority, provided that at the time the information is transmitted it is not open to the applicant to withdraw the information which it has submitted to that receiving surveillance authority;
- (b) no consent is required where the receiving surveillance authority has provided a written commitment that neither the information transmitted to it nor any other information it may obtain following the date and time of transmission as noted by the transmitting surveillance authority, will be used by it or by any other authority to which the information is subsequently transmitted to impose sanctions on the leniency applicant or on any other legal or natural person covered by the favourable treatment offered by the transmitting authority as a result of the application made by the applicant under its leniency programme or on any employee or former employee of the leniency applicant or of any of the aforementioned persons. A copy of the receiving authority's written commitment will be provided to the applicant;
- (c) in the case of information collected by a surveillance authority under Article 8(2) at the request of the surveillance authority to whom the leniency application was made, no consent is required for the transmission of such information to, and its use by, the surveillance authority to whom the application was made.

**PROFESSIONAL SECRECY***Article 10*

1. For the purpose of carrying out the tasks entrusted to it by this Protocol, the EC Commission and the EFTA Surveillance Authority can forward to the States falling within their respective territories all information acquired or exchanged by them pursuant to this Protocol.

**▼ M150**

2. The EC Commission, the EFTA Surveillance Authority, the competent authorities of the EC Member States and the EFTA States, their officials, servants and other persons working under the supervision of these authorities as well as officials and servants of other authorities of the States shall not disclose information acquired or exchanged by them as a result of the application of this Protocol and of the kind covered by the obligation of professional secrecy.

3. Rules on professional secrecy and restricted use of information provided for in the Agreement or in the legislation of the Contracting Parties shall not prevent exchange of information as set out in this Protocol.

**▼ M154****ACCESS TO THE FILE***Article 10A*

When a surveillance authority grants access to the file to the parties to whom it has addressed a statement of objections, the right of access to the file shall not extend to internal documents of the other surveillance authority or of the competition authorities of the EC Member States and the EFTA States. The right of access to the file shall also not extend to correspondence between the surveillance authorities, between a surveillance authority and the competition authorities of the EC Member States or EFTA States or between the competition authorities of the EC Member States or EFTA States where such correspondence is contained in the file of the competent surveillance authority.

**▼ M150****COMPLAINTS AND TRANSFERRAL OF CASES***Article 11*

1. Complaints may be addressed to either surveillance authority. Complaints addressed to the surveillance authority which, pursuant to Article 56, is not competent to decide on a given case shall be transferred without delay to the competent surveillance authority.

2. If, in the preparation or initiation of ex officio proceedings, it becomes apparent that the other surveillance authority is competent to decide on a case in accordance with Article 56 of the Agreement, this case shall be transferred to the competent surveillance authority.

3. Once a case is transferred to the other surveillance authority as provided for in paragraphs 1 and 2, the case may not be transferred back. A case may not be transferred after

- the statement of objections has been sent to the undertakings or associations of undertakings concerned,
- a letter has been sent to the complainant informing him that there are insufficient grounds for pursuing the complaint,
- the publication of the intention to adopt a decision declaring Article 53 or 54 not applicable, or the publication of the intention to adopt a decision making commitments offered by the undertakings binding on the undertakings.

**LANGUAGES***Article 12*

Any natural or legal person shall be entitled to address and be addressed by the EFTA Surveillance Authority and the EC Commission in an official language of an EFTA State or the European Community which they choose as regards complaints. This shall also cover all instances of a proceeding, whether it be opened following a complaint or *ex officio* by the competent surveillance authority.

▼ **M136****PROTOCOL 24**  
**on cooperation in the field of control of concentrations****GENERAL PRINCIPLES***Article 1*

1. The EFTA Surveillance Authority and the EC Commission shall exchange information and consult each other on general policy issues at the request of either of the surveillance authorities.
2. In cases falling under Article 57(2)(a) of the Agreement, the EC Commission and the EFTA Surveillance Authority shall cooperate in the handling of concentrations as provided for in the provisions set out below.
3. For the purposes of this Protocol, the term 'territory of a surveillance authority' shall mean for the EC Commission the territory of the EC Member States to which the Treaty establishing the European Community applies, upon the terms laid down in that Treaty, and for the EFTA Surveillance Authority the territories of the EFTA States to which the Agreement applies.

*Article 2*

1. Cooperation shall take place, in accordance with the provisions set out in this Protocol, where:
  - (a) the combined turnover of the undertakings concerned in the territory of the EFTA States equals 25 % or more of their total turnover within the territory covered by the Agreement; or
  - (b) each of at least two of the undertakings concerned has a turnover exceeding EUR 250 million in the territory of the EFTA States; or
  - (c) the concentration is liable to significantly impede effective competition, in the territories of the EFTA States or a substantial part thereof, in particular as a result of the creation or strengthening of a dominant position.
2. Cooperation shall also take place where:
  - (a) the concentration fulfils the criteria for referral pursuant to Article 6.
  - (b) an EFTA State wishes to adopt measures to protect legitimate interests as set out in Article 7.

**INITIAL PHASE OF THE PROCEEDINGS***Article 3*

1. The EC Commission shall transmit to the EFTA Surveillance Authority copies of notifications of the cases referred to in Article 2(1) and (2)(a) within three working days and, as soon as possible, copies of the most important documents lodged with or issued by the EC Commission.

**▼ M136**

2. The EC Commission shall carry out the procedures set out for the implementation of Article 57 of the Agreement in close and constant liaison with the EFTA Surveillance Authority. The EFTA Surveillance Authority and EFTA States may express their views upon those procedures. For the purposes of Article 6(1) of this Protocol, the EC Commission shall obtain information from the competent authority of the EFTA State concerned and give it the opportunity to make known its views at every stage of the procedures up to the adoption of a decision pursuant to that Article. To that end, the EC Commission shall give it access to the file.

Documents to be transmitted from the Commission to an EFTA State and from an EFTA State to the Commission pursuant to this Protocol shall be submitted via the EFTA Surveillance Authority.

**HEARINGS***Article 4*

In cases referred to in Article 2(1) and (2)(a), the EC Commission shall invite the EFTA Surveillance Authority to be represented at the hearings of the undertakings concerned. The EFTA States may likewise be represented at those hearings.

**THE EC ADVISORY COMMITTEE ON CONCENTRATIONS***Article 5*

1. In cases referred to in Article 2(1) and (2)(a), the EC Commission shall in due time inform the EFTA Surveillance Authority of the date of the meeting of the EC Advisory Committee on Concentrations and transmit the relevant documentation.

2. All documents forwarded for that purpose from the EFTA Surveillance Authority, including documents emanating from EFTA States, shall be presented to the EC Advisory Committee on Concentrations together with the other relevant documentation sent out by the EC Commission.

3. The EFTA Surveillance Authority and the EFTA States shall be entitled to be present in the EC Advisory Committee on Concentrations and to express their views therein; they shall not have, however, the right to vote.

**RIGHTS OF INDIVIDUAL STATES***Article 6*

1. The EC Commission may, by means of a decision notified without delay to the undertakings concerned, to the competent authorities of the EC Member States and to the EFTA Surveillance Authority, refer a notified concentration, in whole or in part, to an EFTA State where:

- (a) a concentration threatens to affect significantly competition in a market within that EFTA State, which presents all the characteristics of a distinct market, or
- (b) a concentration affects competition in a market within that EFTA State, which presents all the characteristics of a distinct market and which does not constitute a substantial part of the territory covered by the Agreement.

**▼ M136**

2. In cases referred to in paragraph 1, any EFTA State may appeal to the Court of Justice of the European Communities, on the same grounds and conditions as an EC Member State under Articles 230 and 243 of the Treaty establishing the European Community, and in particular request the application of interim measures, for the purpose of applying its national competition law.

**▼ M137**

3. Where the concentration may affect trade between one or more EC Member States and one or more EFTA States, the EC Commission shall inform the EFTA Surveillance Authority of any request received from an EC Member State pursuant to Article 22 of Regulation (EC) No 139/2004 without delay.

One or more EFTA States may join a request as referred to in subparagraph 1 where the concentration affects trade between one or more EC Member States and one or more EFTA States and threatens to significantly affect competition within the territory of the EFTA State or States joining the request.

Upon receipt of a copy of a request as referred to in subparagraph 1, all national time limits relating to the concentration shall be suspended in the EFTA States until it has been decided where the concentration shall be examined. As soon as an EFTA State has informed the Commission and the undertakings concerned that it does not wish to join the request, the suspension of its national time limits shall end.

Where the Commission decides to examine the concentration, the EFTA State or States having joined the request shall no longer apply their national legislation on competition to the concentration.

**▼ M136**

4. Prior to the notification of a concentration within the meaning of Article 4(1) of Regulation (EC) No 139/2004 the persons or undertakings referred to in Article 4(2) of Regulation (EC) No 139/2004 may inform the EC Commission, by means of a reasoned submission, that the concentration may significantly affect competition in a market within an EFTA State which presents all the characteristics of a distinct market and should therefore be examined, in whole or in part, by that EFTA State.

The EC Commission shall transmit all submissions pursuant to Article 4(4) of Regulation (EC) No 139/2004 and this paragraph to the EFTA Surveillance Authority without delay.

5. With regard to a concentration as defined in Article 3 of Regulation (EC) No 139/2004 which does not have a Community dimension within the meaning of Article 1 of that Regulation and which is capable of being reviewed under the national competition laws of at least three EC Member States and at least one EFTA State, the persons or undertakings referred to in Article 4(2) of that Regulation may, before any notification to the competent authorities, inform the EC Commission by means of a reasoned submission that the concentration should be examined by the Commission.

The EC Commission shall transmit all submissions pursuant to Article 4(5) of Regulation (EC) No 139/2004 to the EFTA Surveillance Authority without delay.



▼ **M136**

Where at least one such EFTA State has expressed its disagreement as regards the request to refer the case, the competent EFTA State(s) shall retain their competence, and the case shall not be referred from the EFTA States pursuant to this paragraph.

*Article 7*

1. Notwithstanding the sole competence of the EC Commission to deal with concentrations of a Community dimension as set out in Council Regulation (EC) No 139/2004, EFTA States may take appropriate measures to protect legitimate interests other than those taken into consideration according to the above Regulation and compatible with the general principles and other provisions as provided for, directly or indirectly, under the Agreement.

2. Public security, plurality of media and prudential rules shall be regarded as legitimate interests within the meaning of paragraph 1.

3. Any other public interest must be communicated to the EC Commission and shall be recognised by the EC Commission after an assessment of its compatibility with the general principles and other provisions as provided for, directly or indirectly, under the Agreement before the measures referred to above may be taken. The EC Commission shall inform the EFTA Surveillance Authority and the EFTA State concerned of its decision within 25 working days of that communication.

**ADMINISTRATIVE ASSISTANCE***Article 8*

1. When the EC Commission requires by decision a person, an undertaking or an association of undertakings located within the territory of the EFTA Surveillance Authority to supply information, it shall without delay forward a copy of the decision to the EFTA Surveillance Authority. At the specific request of the EFTA Surveillance Authority, the EC Commission shall also forward to the EFTA Surveillance Authority copies of simple requests for information relating to a notified concentration.

2. At the request of the EC Commission, the EFTA Surveillance Authority and the EFTA States shall provide the EC Commission with all necessary information to carry out the duties assigned to it by Article 57 of the Agreement.

3. When the EC Commission interviews a consenting natural or legal person in the territory of the EFTA Surveillance Authority, the EFTA Surveillance Authority shall be informed in advance thereof. The EFTA Surveillance Authority may be present during the interview, as well as officials from the competition authority on whose territory the interviews are conducted.

▼ **M137**

4. At the request of the EC Commission, the EFTA Surveillance Authority shall undertake ► **C1** inspections ◀ within its territory.

5. The EC Commission is entitled to be represented and take an active part in ► **C1** inspections ◀ carried out pursuant to paragraph 4.

6. All information obtained during such ► **C1** inspections ◀ on request shall be transmitted to the EC Commission immediately after their finalization.

**▼ M136**

7. Where the EC Commission carries out investigations within the territory of the Community, it shall, as regards cases falling under Article 2(1) and (2)(a), inform the EFTA Surveillance Authority of the fact that such investigations have taken place and on request transmit in an appropriate way the relevant results of the investigations.

**PROFESSIONAL SECRECY***Article 9*

1. Information acquired as a result of the application of this Protocol shall be used only for the purpose of procedures under Article 57 of the Agreement.

2. The EC Commission, the EFTA Surveillance Authority, the competent authorities of the EC Member States and of the EFTA States, their officials and other servants and other persons working under the supervision of these authorities as well as officials and civil servants of other authorities of the Member States and of the EFTA States shall not disclose information acquired by them as a result of the application of this Protocol and of the kind covered by the obligation of professional secrecy.

3. Rules on professional secrecy and restricted use of information provided for in the Agreement or the legislation of the Contracting Parties shall not prevent the exchange and use of information as set out in this Protocol.

**NOTIFICATIONS***Article 10*

1. Undertakings shall address their notifications to the competent surveillance authority in accordance with Article 57(2) of the Agreement.

2. Notifications or complaints addressed to the authority which, pursuant to Article 57 of the Agreement, is not competent to take decisions on a given case shall be transferred without delay to the competent surveillance authority.

*Article 11*

The date of submission of a notification shall be the date on which it is received by the competent surveillance authority.

**LANGUAGES***Article 12*

1. Undertakings shall be entitled to address and be addressed by the EFTA Surveillance Authority and the EC Commission in an official language of an EFTA State or the Community which they choose as regards notifications. This shall also cover all instances of a proceeding.

**▼ M136**

2. If undertakings choose to address a surveillance authority in a language which is not one of the official languages of the States falling within the competence of that authority, or a working language of that authority, they shall simultaneously supplement all documentation with a translation into an official language of that authority.

3. As far as undertakings are concerned which are not parties to the notification, they shall likewise be entitled to be addressed by the EFTA Surveillance Authority and the EC Commission in an appropriate official language of an EFTA State or of the Community or in a working language of one of those authorities. If they choose to address a surveillance authority in a language which is not one of the official languages of the States falling within the competence of that authority, or a working language of that authority, paragraph 2 shall apply.

4. The language which is chosen for the translation shall determine the language in which the undertakings may be addressed by the competent authority.

**TIME LIMITS AND OTHER PROCEDURAL QUESTIONS***Article 13*

As regards time limits and other procedural provisions, including the procedures for referral of a concentration between the EC Commission and one or more EFTA States, the rules implementing Article 57 of the Agreement shall apply also for the purpose of the cooperation between the EC Commission and the EFTA Surveillance Authority and EFTA States, unless otherwise provided for in this Protocol.

The calculation of the time limits referred to in ► **M137** Article 4(4) and (5), Article 9(2) and (6) and Article 22(2) ◀ of Regulation (EC) No 139/2004 shall start, for the EFTA Surveillance Authority and the EFTA States, upon receipt of the relevant documents by the EFTA Surveillance Authority.

**TRANSITION RULE***Article 14*

Article 57 of the Agreement shall not apply to any concentration which was the subject of an agreement or announcement or where control was acquired before the date of entry into force of the Agreement. It shall not in any circumstances apply to a concentration in respect of which proceedings were initiated before that date by a national authority with responsibility for competition.



**PROTOCOL 25**  
**on competition regarding coal and steel**

*Article 1*

1. All agreements between undertakings, decisions by associations of undertakings and concerted practices in respect of particular products referred to in Protocol 14 which may affect trade between Contracting Parties tending directly or indirectly to prevent, restrict or distort normal competition within the territory covered by this Agreement shall be prohibited, and in particular those tending:

- (a) to fix or determine prices,
- (b) to restrict or control production, technical development or investment,
- (c) to share markets, products, customers or sources of supply.

2. However, the competent surveillance authority, as provided for in Article 56 of the Agreement, shall authorize specialization agreements or joint-buying or joint-selling agreements in respect of the products referred to in paragraph 1, if it finds that:

- (a) such specialization or such joint-buying or joint-selling will make for a substantial improvement in the production or distribution of those products;
- (b) the agreement in question is essential in order to achieve these results and is not more restrictive than is necessary for that purpose; and
- (c) the agreement is not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the territory covered by the Agreement, or to shield them against effective competition from other undertakings within the territory covered by the Agreement.

If the competent surveillance authority finds that certain agreements are strictly analogous in nature and effect to those referred to above, having particular regard to the fact that this paragraph applies to distributive undertakings, it shall authorize them also when satisfied that they meet the same requirements.

3. Any agreement or decision prohibited by paragraph 1 shall be automatically void and may not be relied upon before any court or tribunal in the EC Member States or the EFTA States.

*Article 2*

1. Any transaction shall require the prior authorization of the competent surveillance authority, as provided for in Article 56 of the Agreement, subject to the provisions of paragraph 3 of this Article, if it has in itself the direct or indirect effect of bringing about within the territory covered by the Agreement, as a result of action by any person or undertaking or group of persons or undertakings, a concentration between undertakings at least one of which is covered by Article 3, which may affect trade between Contracting Parties, whether the transaction concerns a single product or a number of different products, and whether it is effected by merger, acquisition of shares or parts of the undertaking or assets, loan, contract or any other means of control.

**▼B**

2. The competent surveillance authority, as provided for in Article 56 of the Agreement, shall grant the authorization referred to in paragraph 1 if it finds that the proposed transaction will not give to the persons or undertakings concerned the power, in respect of the product or products within its jurisdiction:

- to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the market for those products, or
- to evade the rules of competition instituted under this Agreement, in particular by establishing an artificially privileged position involving a substantial advantage in access to supplies or markets.

3. Classes of transactions may, in view of the size of the assets or undertakings concerned, taken in conjunction with the kind of concentration to be effected, be exempted from the requirement of prior authorization.

4. If the competent surveillance authority, as provided for in Article 56 of the Agreement, finds that public or private undertakings which, in law or in fact, hold or acquire in the market for one of the products within its jurisdiction a dominant position shielding them against effective competition in a substantial part of the territory covered by this Agreement are using that position for purposes contrary to the objectives of this Agreement and if such abuse may affect trade between Contracting Parties, it shall make to them such recommendations as may be appropriate to prevent the position from being so used.

*Article 3*

For the purposes of Articles 1 and 2 as well as for the purposes of information required for their application and proceedings in connection with them, ‘undertaking’ means any undertaking engaged in production in the coal or the steel industry within the territory covered by the Agreement, and any undertaking or agency regularly engaged in distribution other than sale to domestic consumers or small craft industries.

*Article 4*

Annex XIV to the Agreement contains specific provisions giving effect to the principles set out in Articles 1 and 2.

*Article 5*

The EFTA Surveillance Authority and the EC Commission shall ensure the application of the principles laid down in Articles 1 and 2 of this Protocol in accordance with the provisions giving effect to Articles 1 and 2 as contained in Protocol 21 and Annex XIV to the Agreement.

*Article 6*

Individual cases referred to in Articles 1 and 2 of this Protocol shall be decided upon by the EC Commission or the EFTA Surveillance Authority in accordance with Article 56 of the Agreement.

**▼B***Article 7*

With a view to developing and maintaining a uniform surveillance throughout the European Economic Area in the field of competition and of promoting a homogeneous implementation, application and interpretation of the provisions of the Agreement to this end, the competent authorities shall cooperate in accordance with the provisions set out in Protocol 23.

▼ B

## PROTOCOL 26

## on the powers and functions of the EFTA Surveillance Authority in the field of State aid

▼ M109*Article 1*

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the European Commission, at the time of the signature of the Agreement, for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community, enabling the EFTA Surveillance Authority to give effect to the principles expressed in Articles 1(2)(e), 49 and 61 to 63 of the Agreement. The EFTA Surveillance Authority shall also have such powers to give effect to the competition rules applicable to State aid relating to products falling under the Treaty establishing the European Coal and Steel Community as referred to in Protocol 14.

*Article 2*

In addition to the acts listed in Annex XV, ► M170 the following acts ◀ ► M170 reflect ◀ the powers and functions of the European Commission for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community:

► M170 1. ◀ **399 R 0659**: Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.3.1999, p. 1), ► M135 as amended by:

- Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003. ◀

▼ M201

- **32006 R 1791**: Council Regulation (EC) No 1791/2006 of 20 November 2006 (OJ L 363, 20.12.2006, p. 1),

▼ M281

- **32013 R 0517**: Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

▼ M170

2. **32004 R 0794**: Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1), as corrected by OJ L 25, 28.1.2005, p. 74 and OJ L 131, 25.5.2005, p. 45, ► M227 as amended by:

- **32008 R 0271**: Commission Regulation (EC) No 271/2008 of 30 January 2008 (OJ L 82, 25.3.2008, p. 1), ◀

▼ M283

- **32014 R 0372**: Commission Regulation (EU) No 372/2014 of 9 April 2014 (OJ L 109, 12.4.2014, p. 14).



## PROTOCOL 27

### on cooperation in the field of State aid

In order to ensure a uniform implementation, application and interpretation of the rules on State aid throughout the territory of the Contracting Parties as well as to guarantee their harmonious development, the EC Commission and the EFTA Surveillance Authority shall observe the following rules:

- (a) exchange of information and views on general policy issues such as the implementation, application and interpretation of the rules on State aid set out in the Agreement shall be held periodically or at the request of either surveillance authority;
- (b) the EC Commission and the EFTA Surveillance Authority shall periodically prepare surveys on State aid in their respective States. These surveys shall be made available to the other surveillance authority;
- (c) if the procedure referred to in the first and second subparagraphs of Article 93(2) of the Treaty establishing the European Economic Community or the corresponding procedure set out in an agreement between the EFTA States establishing the EFTA Surveillance Authority is opened for State aid programmes and cases, the EC Commission or the EFTA Surveillance Authority shall give notice to the other surveillance authority as well as to the parties concerned to submit their comments;
- (d) the surveillance authorities shall inform each other of all decisions as soon as they are taken;
- (e) the opening of the procedure referred to in paragraph (c) and the decisions referred to in paragraph (d) shall be published by the competent surveillance authorities;
- (f) notwithstanding the provisions of this Protocol, the EC Commission and the EFTA Surveillance Authority shall, at the request of the other surveillance authority, provide on a case-by-case basis information and exchange views on individual State aid programmes and cases;
- (g) information obtained in accordance with paragraph (f) shall be treated as confidential.



**▼B****PROTOCOL 28  
on intellectual property***Article 1***Substance of protection**

1. For the purposes of this Protocol, the term 'intellectual property' shall include the protection of industrial and commercial property as covered by Article 13 of the Agreement.
2. Without prejudice to the provisions of this Protocol and of Annex XVII, the Contracting Parties shall upon the entry into force of the Agreement adjust their legislation on intellectual property so as to make it compatible with the principles of free circulation of goods and services and with the level of protection of intellectual property attained in Community law, including the level of enforcement of those rights.
3. Subject to the procedural provisions of the Agreement and without prejudice to the provisions of this Protocol and of Annex XVII, the EFTA States will adjust, upon request and after consultation between the Contracting Parties, their legislation on intellectual property in order to reach at least the level of protection of intellectual property prevailing in the Community upon signature of the Agreement.

*Article 2***Exhaustion of rights**

1. To the extent that exhaustion is dealt with in Community measures or jurisprudence, the Contracting Parties shall provide for such exhaustion of intellectual property rights as laid down in Community law. Without prejudice to future developments of case-law, this provision shall be interpreted in accordance with the meaning established in the relevant rulings of the Court of Justice of the European Communities given prior to the signature of the Agreement.
2. As regards patent rights, this provision shall take effect at the latest one year after the entry into force of the Agreement.

*Article 3***Community patents**

1. The Contracting Parties undertake to use their best endeavours to conclude within a period of three years after the entry into force of the Agreement relating to Community patents (89/695/EEC) negotiations with a view to the participation of the EFTA States in that Agreement. However, for Iceland, this date will not be earlier than 1 January 1998.
2. The specific conditions for the participation of the EFTA States in the Agreement relating to Community patents (89/695/EEC) shall be subject to future negotiations,
3. The Community undertakes, after the entry into force of the Agreement relating to Community patents, to invite those EFTA States who so request to enter into negotiations, in accordance with Article 8 of the Agreement relating to Community patents, provided they will have in addition respected the provisions of paragraphs 4 and 5.

**▼B**

4. The EFTA States shall comply in their law with the substantive provisions of the European Patent Convention of 5 October 1973.

5. As regards patentability of pharmaceutical and foodstuff products, Finland shall comply with the provisions of paragraph 4 by 1 January 1995. As regards patentability of pharmaceutical products, Iceland shall comply with the provisions of paragraph 4 by 1 January 1997. The Community shall however not address an invitation as mentioned in paragraph 3 to Finland and Iceland before these dates, respectively.

6. Notwithstanding Article 2, the holder, or his beneficiary, of a patent for a product mentioned in paragraph 5 filed in a Contracting Party at a time when a product patent could not be obtained in Finland or Iceland for that product may rely upon the rights granted by that patent in order to prevent the import and marketing of that product in the Contracting Parties where that product enjoys patent protection even if that product was put on the market in Finland or Iceland for the first time by him or with his consent.

This right may be invoked for the products referred to in paragraph 5 until the end of the second year after Finland or Iceland, respectively, has made these products patentable.

*Article 4***Semiconductor products**

1. The Contracting Parties shall have the right to take decisions on the extension of the legal protection of topographies of semiconductor products to persons from any third country or territory, which is not a Contracting Party to this Agreement, who do not benefit from the right to protection according to the provisions of this Agreement. They may also conclude agreements to this effect.

2. The Contracting Party concerned shall endeavour, where the right to protection for topographies of semiconductor products is extended to a non-Contracting Party, to ensure that the non-Contracting Party concerned will grant the right to protection to the other Contracting Parties to this Agreement under equivalent conditions to those granted to the Contracting Party concerned.

3. The extension of rights conferred by parallel or equivalent agreements or understandings or equivalent decisions between any of the Contracting Parties and third countries shall be recognized and respected by all of the Contracting Parties.

4. In respect of paragraphs 1 to 3, the general information, consultation and dispute settlement procedures contained in this Agreement shall apply.

5. In any case of different relations arising between any of the Contracting Parties and any third country, consultations shall take place without delay as set out in paragraph 4 concerning the implications of such a divergence for the continuation of the free circulation of goods under this Agreement. Whenever such an agreement, understanding or decision is adopted, despite continuing disagreement between the Community and any other Contracting Party concerned, Part VII of this Agreement shall apply.

**▼B***Article 5***International conventions**

1. The Contracting Parties shall undertake to obtain their adherence before 1 January 1995 to the following multilateral conventions on industrial, intellectual and commercial property:

- (a) Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967);
- (b) Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971);
- (c) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961);
- (d) Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989);
- (e) Nice Agreement concerning the International Classification of Goods and Services for the purpose of the Registration of Marks (Geneva, 1977, amended 1979);
- (f) Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure (1980);
- (g) Patent Cooperation Treaty (1984).

2. For the adherence of Finland, Ireland and Norway to the Protocol relating to the Madrid Agreement the date mentioned in paragraph 1 shall be replaced by 1 January 1996 and, for Iceland, 1 January 1997, respectively.

3. Upon entry into force of this Protocol, the Contracting Parties shall comply in their internal legislation with the substantive provisions of the Conventions listed in paragraph 1(a) to (c). However, Ireland shall comply in its internal legislation with the substantive provisions of the Berne Convention by 1 January 1995.

*Article 6***Negotiations concerning the General Agreement on Tariffs and Trade**

The Contracting Parties agree, without prejudice to the competence of the Community and its Member States in matters of intellectual property, to improve the regime established by the Agreement as regards intellectual property in light of the results of the Uruguay Round negotiations.

*Article 7***Mutual information and consultation**

The Contracting Parties undertake to keep each other informed in the context of work within the framework of international organizations and within the context of agreements dealing with intellectual property.

**▼B**

The Contracting Parties also undertake, in areas covered by a measure adopted in Community law, to engage upon request in prior consultation in the abovementioned framework and contexts.

*Article 8***Transitional provisions**

The Contracting Parties agree to enter into negotiations in order to enable full participation of interested EFTA States in future measures concerning intellectual property which might be adopted in Community law.

Should such measures have been adopted before the entry into force of the Agreement, negotiations to participate in such measures shall begin at the earliest opportunity.

*Article 9***Competence**

The provisions of this Protocol shall be without prejudice to the competence of the Community and of its Member States in matters of intellectual property.

**▼B**

**PROTOCOL 29**  
**on vocational training**

In order to promote the movement of young people within the EEA, the Contracting Parties agree to strengthen their cooperation in the field of vocational training and to endeavour to improve conditions for students wishing to study in an EEA State other than their own. In this context they agree that the provisions of the Agreement concerning the right of residence for students do not alter the possibilities of individual Contracting Parties, existing before the entry into force of the Agreement, as to the tuition fees charged to foreign students.

▼ **B****PROTOCOL 30****on specific provisions on the organization of cooperation in the field of statistics**▼ **M207***Article 1***General provisions**

1. A conference of representatives of national statistical organisations of the Contracting Parties, the Statistical Office of the European Communities (Eurostat) and the EFTA Statistical Office (ESO) shall guide statistical cooperation and develop programmes and procedures for statistical cooperation in close coordination with those of the Community and monitor their implementation. This conference and the ► **M228** European Statistical System Committee (ESSC) ◀ shall organise their tasks for the purposes of this Protocol in combined meetings as ► **M228** ESSC/EEA ◀ Conference pursuant to specific rules of procedure to be established by the ► **M228** ESSC/EEA ◀ Conference.

2. The EFTA States shall, as from the start of the cooperation in connection with the programmes and actions referred to in this Protocol, participate fully without the right to vote in the EC committees and other bodies which assist the EC Commission in the management or development of these programmes and actions.

3. Statistical information from EFTA States shall be transmitted from the EFTA States to Eurostat for storage, processing and dissemination. To this end, ESO shall work in close cooperation with the EFTA States and Eurostat in order to ensure that data from the EFTA States is transmitted properly and disseminated to the various user groups through the normal dissemination channels as part of the EEA statistics.

4. The EFTA States shall defray the additional costs incurred by Eurostat for storing, processing and disseminating data from their countries.

5. The EFTA States shall contribute financially to the Community's overhead costs arising from their participation in programmes and actions referred to in this Protocol other than those incurred for storing, disseminating or processing data in accordance with Article 82(1)(b) of the Agreement.

6. ► **M228** The handling of statistics from EFTA States shall be governed by Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics (OJ L 87, 31.3.2009, p. 164). ◀

7. A joint ESO/Eurostat annual report assessing whether the objectives, priorities and actions planned in connection with this Protocol have been achieved, shall be produced and submitted to the ► **M228** ESSC/EEA ◀ conference to which reference is made in paragraph 1 and to the EEA Joint Committee.

▼ **M274**

▼ **M207***Article 3***Statistical Programme 2008 to 2012**

1. The Community statistical programme 2008 to 2012 as established by Decision of the European Parliament and of the Council to which reference is made in paragraph 4 shall constitute the framework for the EEA statistical actions to be carried out between 1 January 2008 to 31 December 2012. All main fields and statistical themes of the Community statistical programme 2008 to 2012 shall be considered to be relevant for the EEA statistical cooperation and shall be open for full participation by the EFTA States.

2. From 1 January 2008, a specific EEA Annual Statistical Programme shall be developed every year jointly by the EFTA Statistical Office and Eurostat. The EEA Annual Statistical Programme shall be based on a subset of, and in parallel with the annual work programme elaborated by the Commission in accordance with the Decision of the European Parliament and of the Council referred to in paragraph 4. The EEA Annual Statistical Programme shall be approved by the Contracting Parties in accordance with their own internal procedures.

3. From 1 January 2008, the EFTA States shall contribute financially in accordance with Article 82(1)(a) of the Agreement and the Financial Regulations thereto to an amount representing 75 per cent of the amount shown in budget lines 29 02 03 and 29 01 04 01 (Statistical Information Policy) entered in the Community budget.

4. The following Community act is the object of this Article:

— **32007 D 1578**: Decision No 1578/2007/EC of the European Parliament and of the Council of 11 December 2007 on the Community Statistical Programme 2008 to 2012 (OJ L 344, 28.12.2007, p. 15).

▼ **M220***Article 4***Modernisation of European Enterprises and Trade Statistics (MEETS)**

1. The EFTA States shall, from 1 January 2009, participate in the Community programmes and actions referred to in paragraph 4.

2. Objectives 1, 2 and 3 and related actions of the annual work programmes adopted by the Commission in accordance with the Decision of the European Parliament and of the Council referred to in paragraph 4 shall be considered to be relevant for the EEA statistical cooperation and shall be open for full participation by the EFTA States.

3. From 1 January 2009, the EFTA States shall contribute financially in accordance with Article 82(1)(a) of the Agreement and the Financial Regulations thereto to an amount representing 75 per cent of the amount shown in budget lines 29 02 04 and 29 01 04 04 (Modernisation of European Enterprise and Trade Statistics) entered in the Community budget.

▼ **M220**

4. The following Community Act is the object of this Article:
- **32008 D 1297**: Decision No 1297/2008/EC of the European Parliament and of the Council of 16 December 2008 on a Programme for the Modernisation of European Enterprise and Trade Statistics (MEETS) (OJ L 340, 19.12.2008, p. 76).

▼ **M265***Article 5***Statistical Programme ► M274 2013 to 2017 ◀**

1. The following act is the object of this Article:
- **32013 R 0099**: Regulation (EU) No 99/2013 of the European Parliament and of the Council of 15 January 2013 on the European statistical programme 2013-17 (OJ L 39, 9.2.2013, p. 12), ► **M274** as amended by:
- **32013 R 1383**: Regulation (EU) No 1383/2013 of the European Parliament and of the Council of 17 December 2013 (OJ L 354, 28.12.2013, p. 84). ◀
2. The European statistical programme 2013-17 as established by Regulation (EU) No 99/2013 shall constitute the framework for the EEA statistical actions to be carried out between 1 January 2013 and ► **M274** 31 December 2017 ◀. All main fields of the European statistical programme 2013-17 shall be considered to be relevant for the EEA statistical cooperation and shall be open for full participation by the EFTA States.
3. ► **M274** A specific EEA Annual Statistical Programme for 2013 to 2017 shall be developed jointly by the EFTA Statistical Office and Eurostat. The EEA Annual Statistical Programme shall be based on a subset of, and be drawn up in parallel with the annual work programme elaborated by the Commission in accordance with Regulation (EU) No 99/2013. The EEA Annual Statistical Programme shall be approved by the Contracting Parties according to their own internal procedures. ◀
4. ► **M274** The EFTA States shall contribute financially in accordance with Article 82(1)(a) of the Agreement and the Financial Regulations thereto to an amount representing 75 per cent of the amount shown in budget lines 29 02 05 (European statistical programme 2013-17) and 29 01 04 05 (Statistical information policy — Expenditure on administrative management) entered in the budget of the European Union for 2013 and to an amount representing 75 per cent of the amount shown in budget lines 29 02 01 (European statistical programme 2013-17) and 29 01 04 01 (Statistical information policy — Expenditure on administrative management) entered in the budget of the European Union for 2014 to 2017. ◀



▼ M87▼ B**PROTOCOL 31****on cooperation in specific fields outside the four freedoms**▼ M9*Article 1***Research and technological development**▼ M162

1. The EFTA States shall, from 1 January 1994, participate in the implementation of the framework programmes of Community activities in the field of research and technological development referred to in paragraph 5 and from 1 January 2005 in activities referred to in paragraph 9, through participation in their specific programmes.

▼ M181

2. The EFTA States shall contribute financially to the activities referred to in paragraphs 5, 9 and 10 in accordance with Article 82 (1) (a) of the Agreement.

▼ M9

3. The EFTA States shall participate fully in all the EC committees which assist the EC Commission in the management, development and implementation of the activities referred to in paragraph 5.

4. Given the particular nature of the cooperation foreseen in the field of research and technological development, representatives of the EFTA States shall in addition be associated with the work of the Scientific and Technical Research Committee (Crest) and other EC committees which the EC Commission consults in this field, to the extent necessary for the good functioning of that cooperation.

5. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **390 D 0221:** Council Decision 90/221/EEC/Euratom of 23 April 1990 concerning the framework programme of Community activities in the field of research and technological development (1990 to 1994) (OJ No L 117, 8. 5. 1990, p. 28),

— **394 D 1110:** Decision No 1110/94/EC of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998) (OJ No L 126, 18. 5. 1994, p. 1),  
► **M42** as amended by:

— **396 D 0616:** Decision No 616/96/EC of the European Parliament and of the Council of 25 March 1996 (OJ L 86, 4.4.1996, p. 69),

— **397 D 2535:** Decision No 2535/97/EC of the European Parliament and of the Council of 1 December 1997 (OJ L 347, 18.12.1997, p. 1), ◀

▼ M61

— **399 D 0182:** Decision No 182/1999/EC of the European Parliament and of the Council of 22 December 1998 concerning the fifth framework programme of the European Community for research, technological development and demonstration activities (1998 to 2002) (OJ L 26, 1.2.1999, p. 1),

**▼ M118**

- **32002 D 1513**: Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1), ► **M146** as amended by:
- **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

**▼ M188**

- **32006 D 1982**: Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 412, 30.12.2006, p. 1),

**▼ M269**

- **32013 R 1291**: Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.

**▼ M252**

6. Evaluation and major direction of activities in the framework programmes of Union activities in the field of research and technological development referred to in paragraphs 5, 8a, 8c, 9 and 10 shall be governed by the procedure referred to in Article 79(3) of the Agreement.

**▼ M9**

7. The Agreement shall be without prejudice, on the one hand, to the bilateral cooperation taking place under the framework programme for Community activities in the field of research and technological development (1987 to 1991)<sup>(1)</sup> and, on the other hand, in so far as they concern cooperation which is not covered by the Agreement, to the bilateral framework agreements for scientific and technical cooperation between the Community and the EFTA States.

**▼ M155**

8. ► **M250** (a) The EFTA States shall fully participate in the European GNSS Agency, hereinafter referred to as the 'Agency', as set up by the following Union act:

- **32010 R 0912**: Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 276, 20.10.2010, p. 11), ► **M295** as amended by:
- **32014 R 0512**: Regulation (EU) No 512/2014 of the European Parliament and of the Council of 16 April 2014 (OJ L 150, 20.5.2014, p. 72). ◀

<sup>(1)</sup> **387 D 0516**: Council Decision 87/516/Euratom/EEC of 28 September 1987 (OJ No L 302, 24. 10. 1987, p. 1).

▼ **M155**

- (b) The EFTA States shall contribute financially to the activities of the Agency referred to under point (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The EFTA States shall participate fully, without the right to vote, in the Administrative Board of the Agency and in the Security Accreditation Board of the Agency.
- (d) The Agency shall have legal personality. It shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their law.
- (e) The EFTA States shall apply to the Agency the Protocol on the Privileges and Immunities of the European Union.
- (f) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.
- (g) By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement, with the exception of ► **C6** Sections 1 and 2 of Chapter 3 ◀, shall apply to this paragraph.
- (h) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of that Regulation, apply to any documents of the Agency, including those regarding the EFTA States.
- (i) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.
- (j) this paragraph shall not apply to Liechtenstein. ◀

▼ **M224**

- 8a.
- (a) The EFTA States shall, as from 1 January 2009, participate in the activities which may result from the following Community act:
    - **32008 R 0683**: Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) (OJ L 196, 24.7.2008, p. 1), ► **M250** as amended by:
      - **32010 R 0912**: Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 (OJ L 276, 20.10.2010, p. 11). ◀
  - (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.

In addition, and based on Article 82(1)(c) of the Agreement, Norway shall contribute the amount of EUR 20 114 000 for the year 2008, of which half shall be due for payment by 31 August 2012 and the other half by 31 August 2013, to be included in the call for funds foreseen in Article 2(2), first subparagraph of Protocol 32.

▼ M224

- (c) The EFTA States shall participate fully, without the right to vote, in all the Community committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).

Without prejudice to this, the participation of EFTA States in the Community committees which assist the European Commission specifically in security aspects of the activities referred to under (a) may be subject to separate arrangements to be agreed upon between the EFTA States and the European Commission. Such arrangements should contribute to a coherent protection in the European Community and the EFTA States of data, information and technologies of European GNSS programmes and to compliance with the international commitments of the Contracting Parties in this sector.

▼ M229

- (d) Procedures for the association of the EFTA States in accordance with Article 101 of the Agreement:

Each EFTA State may, in accordance with Article 4 of Commission Decision 2009/334/EC <sup>(1)</sup>, appoint a person to participate as a full member in the meetings of the expert group on the security of the European GNSS systems (The Security Board for the European GNSS Systems).

The European Commission shall, in due time, inform the participants of the dates of the meetings of the group and transmit to them the relevant documentation.

- M229 (e) ◀ This paragraph shall not apply to Liechtenstein.
- M229 (f) ◀ With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.

▼ M286

- 8aa. (a) The EFTA States shall, as from 1 January 2014, participate in the activities which may result from the following Union act:

— **32013 R 1285**: Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p. 1).

- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The cost of the extension of the geographical coverage of the EGNOS system to the territories of the participating EFTA States shall be borne by the EFTA States as part of the financial contribution to the activities referred to under (a). Such coverage extension shall be subject to technical feasibility and shall not delay the extension of the geographical coverage of the EGNOS system throughout the EU Member States' territories geographically located in Europe.

<sup>(1)</sup> Commission Decision 2009/334/EC of 20 April 2009 (OJ L 101, 21.4.2009, p. 22).

▼ **M286**

- (d) At the project level, the institutions, undertakings, organizations and nationals of EFTA States shall have the rights referred to in Article 81(d) of the Agreement.
- (e) The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 247/2014 of 13 November 2014 enters into force before the end of the action.
- (f) The EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).

The participation of the EFTA States in the Union committees and groups of experts which assist the European Commission specifically in security aspects of the activities referred to under (a) shall be addressed in the rules of procedure of these committees and groups.

- (g) This paragraph shall not apply to Liechtenstein.
- (h) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.

▼ **M287**

- 8ab. (a) The EFTA States shall participate in the activities which may result from the following Union act:

— **32011 D 1104**: Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (OJ L 287, 4.11.2011, p. 1).

- (b) The EFTA States may become PRS participants subject to the conclusion of the agreements referred to in Article 3(5)(a) and (b) of Decision No 1104/2011/EU.
- (c) The participation of EFTA States in the various committees and groups of experts related to the PRS shall be addressed in their corresponding rules of procedure.
- (d) Article 10 of Decision No 1104/2011/EU shall not apply to the EFTA States.
- (e) This paragraph shall not apply to Liechtenstein.
- (f) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.

▼ **M234**

8b. The Contracting Parties shall encourage appropriate cooperation between the competent organisations, institutions and other bodies in their respective territories so as to encourage participation of stakeholders from the EFTA States on equal terms as those from the EU Member States in the SESAR project, including activities of the SESAR Joint Undertaking in accordance with its basic Regulation <sup>(1)</sup>.

The EFTA States participate fully, except for the right to vote, in the Single European Sky committee which assists the European Commission in the management, development and implementation of the activities of the SESAR Joint Undertaking.

▼ **M252**

8c. (a) The EFTA States shall, as from 1 January 2012, participate in the activities which may result from the following Union act:

— **32010 R 0911**: Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013) (OJ L 276, 20.10.2010, p. 1);

(b) the EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement;

(c) the EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a), namely the GMES Committee, the Security Board and the User Forum;

(d) this paragraph shall not apply to Liechtenstein.

▼ **M259**▼ **M288**

8d. (a) The EFTA States shall, as from 1 January 2014, participate in the activities which may result from the following Union act:

— **32014 R 0377**: Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (OJ L 122, 24.4.2014, p. 44).

(b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of, and Protocol 32 to, the Agreement.

<sup>(1)</sup> 32007 R 0219: Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR) (OJ L 64, 2.3.2007, p. 1), ► **M235** as amended by:

— **32008 R 1361**: Council Regulation (EC) No 1361/2008 of 16 December 2008 (OJ L 352, 31.12.2008, p. 12), ◀

► **M293** — **32014 R 0721**: Council Regulation (EU) No 721/2014 of 16 June 2014 (OJ L 192, 1.7.2014, p. 1). ◀

▼ M288

- (c) The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 249/2014 of 13 November 2014 enters into force before the end of the action.
- (d) The EFTA States shall participate fully, without the right to vote, in all the Union committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).
- (e) This paragraph shall not apply to Norway and Liechtenstein.

▼ M162

9. The EFTA States shall, as from 1 January 2005, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial year 2005:

— **Budget line 08.14.01:** ‘Preparatory action for the enhancement of European security research (2005)’.

▼ M181

10. The EFTA States shall, as from 1 January 2006, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial year 2006:

— **Budget line 02.04.02:** ‘Preparatory action for the enhancement of European security research’.

▼ M212

11. (a) The EFTA States shall participate fully in the European Institute of Innovation and Technology, hereinafter referred to as the ‘Institute’, as set up by the following Community act:

— **32008 R 0294:** Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology (OJ L 97, 9.4.2008, p. 1), ► M269 as amended by:

— **32013 R 1292:** Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013 amending Regulation (EC) No 294/2008 establishing the European Institute of Innovation and Technology (OJ L 347, 20.12.2013, p. 174). ◀

▼ M269▼ M212

- (c) The EFTA States shall apply to the Institute and to its staff the Protocol of Privileges and Immunities of the European Communities.

▼ **M212**

- (d) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Institute.
- (e) By virtue of Article 79(3) of the Agreement Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (f) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Institute regarding the EFTA States as well.

▼ **M299**

12. (a) The Contracting Parties shall seek to strengthen cooperation in the framework of activities which may result from the following Community act:

— **32009 R 0723**: Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) (OJ L 206, 8.8.2009, p. 1), as amended by:

— **32013 R 1261**: Council Regulation (EU) No 1261/2013 of 2 December 2013 (OJ L 326, 6.12.2013, p. 1).

- (b) Article 5(1)(d) of Regulation (EC) No 723/2009 refers to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax and Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products, which are not incorporated into the Agreement. These references shall therefore only be relevant in the application of Article 5(1)(d) and be without prejudice to the scope of the Agreement.
- (c) The EFTA States shall participate fully, without the right to vote, in all the Community committees which assist the European Commission in the management, development and implementation of the activities referred to under (a).

▼ **M8***Article 2***Information Services and security of information systems**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in ► **M83** paragraphs 5 and 6 ◀.

2. The EFTA States shall contribute financially to the programme and actions referred to in ► **M83** paragraphs 5 and 6 ◀ in accordance with Article 82 (1) (a) of the Agreement.



**▼ M174**

Regarding the activities referred to in paragraph 7, the EFTA States shall contribute financially to the budget lines 09 03 04 and 09 01 04 03 (trans-European telecommunications networks), as well as to the subsequent corresponding budget lines, in accordance with Article 82(1)(a) of the Agreement.

**▼ M8**

3. ► **M174** The EFTA States shall, as from the start of cooperation in programmes and actions referred to in paragraphs 5, 6 and 7, participate fully in the EC committees which assist the EC Commission in the management, development and implementation of these programmes and actions. ◀

4. Evaluation and major redirection of activities in the programmes in the field of information services shall be governed by the procedure referred to in Article 79 (3) of the Agreement.

5. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **389 D 0286**: Council Decision 89/286/EEC of 17 April 1989 on the implementation at Community level of the main phase of the strategic programme for innovation and technology transfer (1989 to 1994) (Sprint programme) (OJ No L 112, 25. 4. 1989, p. 12), as amended by:

— **394 D 0005**: Council Decision 94/5/EC of 20 December 1993 (OJ No L 6, 8. 1. 1994, p. 25);

— **391 D 0691**: Council Decision 91/691/EEC of 12 December 1991 adopting a programme for the establishment of an internal information services market (OJ No L 377, 31. 12. 1991, p. 41);

— **392 D 0242**: Council Decision 92/242/EEC of 31 March 1992 in the field of security of information systems (OJ No L 123, 8. 5. 1992, p. 19);

**▼ M23**

— **396 D 0339**: Council Decision 96/339/EC of 20 May 1996 adopting a multiannual Community programme to stimulate the development of a European multimedia content industry and to encourage the use of multimedia content in the emerging information society (Info 2000) (OJ No L 129, 30.5.1996, p. 24);

**▼ M33**

— **396 D 0664**: Council Decision 96/664/EC of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (OJ L 306, 28.11.1996, p. 40);

**▼ M71**

— **398 D 0253**: Council Decision 98/253/EC of 30 March 1998 adopting a multiannual Community programme to stimulate the establishment of the information society in Europe (information society) (OJ L 107, 7.4.1998, p. 10);

**▼ M81**

- **399 D 0276:** Decision No 276/1999/EC of the European Parliament and of the Council of 25 January 1999 adopting a multiannual Community action plan on promoting safer use of the Internet by combating illegal and harmful content on global networks (OJ L 33, 6.2.1999, p. 1), ► **M138** as amended by:
  - **32003 D 1151:** Decision No 1151/2003/EC of the European Parliament and of the Council of 16 June 2003 (OJ L 162, 1.7.2003, p. 1); ◀

**▼ M146**

- **32004 D 0787:** Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 12);

**▼ M103**

- **32001 D 0048:** Council Decision 2001/48/EC of 22 December 2000 adopting a multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote the linguistic diversity in the information society (OJ L 14, 18.1.2001, p. 32);

**▼ M143**

- **32003 D 2256:** Decision No 2256/2003/EC of the European Parliament and of the Council of 17 November 2003 (OJ L 336, 23.12.2003, p. 1), ► **M146** as amended by:
  - **32004 D 0787:** Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 12); ◀

**▼ M178**

- **32005 D 2113:** Decision No 2113/2005/EC of the European Parliament and of the Council of 14 December 2005 (OJ L 344, 27.12.2005, p. 34);

**▼ M171**

- **32005 D 0456:** Decision No 456/2005/EC of the European Parliament and of the Council of 9 March 2005 establishing a multiannual Community programme to make digital content in Europe more accessible, usable and exploitable (OJ L 79, 24.3.2005, p. 1);

**▼ M173**

- **32005 D 0854:** Decision No 854/2005/EC of the European Parliament and of the Council of 11 May 2005 on establishing a multiannual Community Programme on promoting safer use of the Internet and new online technologies (OJ L 149, 11.6.2005, p. 1);

**▼ M218**

- **32008 D 1351:** Decision No 1351/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing a multiannual Community programme on protecting children using the Internet and other communication technologies (OJ L 348, 24.12.2008, p. 118);

**▼ M279**

- **32013 R 1316:** Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

▼ **M279**

The EFTA States shall only participate in the telecommunications sector of the Connecting Europe Facility.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme;

▼ **M285**

- **32014 R 0283**: Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC (OJ L 86, 21.3.2014, p. 14).

▼ **M83**

6. The EFTA States shall, as from 1 January 2000, participate in the Community actions related to the following budget line, entered in the general budget of the European Communities for the financial year 2000:

- **B5-3 3 4**: Promotion of the European digital content on the global networks.

▼ **M174**

7. The EFTA States shall, as from 1 January 2006, participate in the activities which may result from the following acts, to the extent they are related to projects of common interest in the field of trans-European telecommunications networks:

- **395 R 2236**: Council Regulation (EC) No 2236/95 of 18 September 1995 laying down general rules for the granting of Community financial aid in the field of trans-European networks (OJ L 228, 23.9.1995, p. 1), as amended by:
  - **399 R 1655**: Regulation (EC) No 1655/1999 of the European Parliament and of the Council of 19 July 1999 (OJ L 197, 29.7.1999, p. 1),
  - **32004 R 0788**: Regulation (EC) No 788/2004 of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 17),
  - **32004 R 0807**: Regulation (EC) No 807/2004 of the European Parliament and of the Council of 21 April 2004 (OJ L 143, 30.4.2004, p. 46),
  - **32005 R 1159**: Regulation (EC) No 1159/2005 of the European Parliament and of the Council of 6 July 2005 (OJ L 191, 22.7.2005, p. 16),
- **397 D 1336**: Decision No 1336/97/EC of the European Parliament and of the Council of 17 June 1997 on a series of guidelines for trans-European telecommunications networks (OJ L 183, 11.7.1997, p. 12), as amended by:
  - **32002 D 1376**: Decision No 1376/2002/EC of the European Parliament and of the Council of 12 July 2002 (OJ L 200, 30.7.2002, p. 1).

**▼ B***Article 3***Environment**

1. Cooperation in the field of environment shall be strengthened in the framework of the activities of the Community, in particular in the following areas:

**▼ M198**

- policy and action programmes on the environment and, in particular, in the framework of Community activities which may result from the following Community acts:
  - **493 Y 0517**: Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development (OJ C 138, 17.5.1993, p. 1),
  - **397 D 0150**: Commission Decision 97/150/EC of 24 February 1997 on the setting-up of a European consultative forum on the environment and sustainable development (OJ L 58, 27.2.1997, p. 48),

**▼ M111**

- **32001 D 0704**: Commission Decision 2001/704/EC of 26 September 2001 repealing Decision 97/150/EC on the setting-up of a European consultative forum on the environment and sustainable development (OJ L 258, 27.9.2001, p. 20),

**▼ M100**

- **398 D 2179**: Decision No 2179/98/EC of the European Parliament and of the Council of 24 September 1998 on the review of the European Community programme of policy and action in relation to the environment and sustainable development 'Towards sustainability' (OJ L 275, 10.10.1998, p. 1);

**▼ B**

- integration of environmental protection requirements into other policies;
- economic and fiscal instruments;
- environmental questions which have transboundary implications;
- major regional and global topics under discussion within international organizations.

The cooperation shall include, *inter alia*, regular meetings.

**▼ M10**

2. **► M253** (a) The EFTA States shall participate fully in the European Environment Agency, hereinafter referred to as the 'Agency', and the European Environment Information and observation network, as set up in Regulation (EC) No 401/2009 of the European Parliament and of the Council of 23 April 2009 on the European Environment Agency and the European Environment Information and Observation Network <sup>(1)</sup>.
  - (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1) and Protocol 32 of the Agreement.
  - (c) The EFTA States shall, in consequence of (b), participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the scientific committee of the Agency.

<sup>(1)</sup> OJ L 126, 21.5.2009, p. 13.

**▼ M10**

- (d) The term ‘Member State(s)’ and other terms referring to their public entities contained in Articles 4 and 5 of the Regulation shall be understood to include, in addition to their meaning in the Regulation, the EFTA States and their public entities.
- (e) Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the EFTA States as it is afforded within the Community.
- (f) The Agency shall have legal personality. It shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (g) EFTA States shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities.
- (h) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.
- (i) By virtue of Article 79(3), Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (j) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of Regulation (EC) No 401/2009, apply to any documents of the Agency regarding the EFTA States as well. ◀

**▼ B**

3. Where it has been decided by the EEA Joint Committee that cooperation shall take the form of parallel legislation of identical or similar content by the Contracting Parties, the procedures referred to in Article 79(3) of the Agreement shall thereafter apply to the preparation of such legislation in the field in question.

**▼ M101**

4. ► **M112** The EFTA States shall participate in the Community actions referred to in paragraph 7. ◀

5. The EFTA States shall contribute financially to the Community ► **M112** actions ◀ referred to in paragraph 7 in accordance with Article 82(1)(a) of the Agreement.

**▼ M101**

6. The EFTA States shall participate fully in the ► **M112** bodies ◀ which assist the European Commission in the management, development and implementation of the Community ► **M112** actions ◀ referred to in paragraph 7.

7. ► **M112** The following Community acts, as well as acts deriving therefrom, are the object of this Article:

(a) Community acts which shall take effect from 1 January 2001: ◀

— **32000 D 2850**: Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution (OJ L 332, 28.12.2000, p. 1), ► **M146** as amended by:

— **32004 D 0787**: Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 12). ◀

**▼ M112**

(b) Community acts which shall take effect from 1 January 2002:

— **32001 D 1411**: Decision No 1411/2001/EC of the European Parliament and of the Council of 27 June 2001 on a Community framework for cooperation to promote sustainable urban development (OJ L 191, 13.7.2001, p. 1), ► **M146** as amended by:

— **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7). ◀

**▼ M195****▼ M172**

(d) Community acts which shall take effect from 1 January 2005:

— **32002 D 1600**: Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme (OJ L 242, 10.9.2002, p. 1).

**▼ B***Article 4***▼ M253****Education, training, youth and sport****▼ B**

1. The EFTA States shall, from the entry into force of the Agreement, participate in the Community programme Youth for Europe in accordance with Part VI.

2. The EFTA States shall, as from 1 January 1995, participate subject to the provisions of Part VI, in all programmes of the Community in the field of education, training and youth then in force or adopted. The planning and development of programmes of the Community in this field shall, as from the entry into force of the Agreement, be subject to the procedures referred to in Part VI, in particular Article 79(3).

▼ **M36**

2a. The EFTA States shall, as from 1 January 1997, participate in the Community actions related to the budget line B3-1 0 1 1 European voluntary service, entered in the Community budget for the year 1997.

▼ **M56**

2b. The EFTA States shall, as from 1 August 1998, participate in the following Community programme:

**398 D 1686:** Decision No 1686/98/EC of the European Parliament and of the Council of 20 July 1998 establishing the Community action programme ‘European voluntary service for young people’ (OJ L 214, 31.7.1998, p. 1).

▼ **M93**

2c. The EFTA States shall, as from 1 January 2000, participate in the following Community ► **M51** programmes ◀:

— **399 D 0382:** Council Decision 1999/382/EC of 26 April 1999 establishing the second phase of the Community vocational training action programme ‘Leonardo da Vinci’ (OJ L 146, 11.6.1999, p. 33), ► **M168** as amended by:

— **32004 R 0885:** Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1), ◀

▼ **M51**

— **399 D 0051:** Council Decision 1999/51/EC of 21 December 1998 on the promotion of European pathways in work-linked training, including apprenticeship (OJ L 17, 22.1.1999, p. 45),

▼ **M53**

— **32000 D 0253:** Decision No 253/2000/EC of the European Parliament and of the Council of 24 January 2000 establishing the second phase of the Community action programme in the field of education ‘Socrates’ (OJ L 28, 3.2.2000, p. 1), ► **M128** as amended by:

— **32003 D 0451:** Decision No 451/2003/EC of the European Parliament and of the Council of 27 February 2003 (OJ L 69, 13.3.2003, p. 6), ◀

▼ **M146**

— **32004 D 0786:** Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7),

▼ **M168**

— **32004 R 0885:** Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1),

▼ **M67**

— **32000 D 1031:** Decision No 1031/2000/EC of the European Parliament and of the Council of 13 April 2000 establishing the ‘Youth’ Community Action programme (OJ L 117, 18.5.2000, p. 1), ► **M146** as amended by:

— **32004 D 0786:** Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

▼ **M168**

— **32004 R 0885:** Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).

▼ **M63**

2d. The EFTA States shall, as from 1 January 2000, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial year 2000:

- **B3-1 0 0 3**: Preparatory measures for the European Year of Languages 2001.

▼ **M91**

2e. The EFTA States shall, as from 1 January 2001, participate in the following programme:

- **3200 D 1934**: Decision No 1934/2000/EC of the European Parliament and of the Council of 17 July 2000 on the European Year of Languages 2001 (OJ L 232, 14.9.2000, p. 1).

▼ **M125**

2f. The EFTA States shall, with effect from 1 January 2001, participate in the Community actions related to the following budget lines, entered in the general budget of the European Union for the financial years 2001, 2002 and 2003:

- **B3-1 0 0 0A**: 'Preparatory actions for cooperation in the fields of education and of youth policy — expenditure on administrative management';
- **B3-1 0 0 0**: 'Preparatory actions for cooperation in the fields of education and of youth policy'.

▼ **M126**

2g. The EFTA States shall, with effect from 1 January 2003, participate in the following action:

- **32003 D 0291**: Decision No 291/2003/EC of the European Parliament and of the Council of 6 February 2003 establishing the European Year of Education through Sport 2004 (OJ L 43, 18.2.2003, p. 1), ► **M146** as amended by:
- **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

▼ **M168**

- **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).

▼ **M140**

2h. The EFTA States shall, as from 1 January 2004, participate in the following programme:

- **32003 D 2317**: Decision No 2317/2003/EC of the European Parliament and of the Council of 5 December 2003 establishing a programme for the enhancement of quality in higher education and the promotion of intercultural understanding through co-operation with third countries (Erasmus Mundus) (2004-2008) (OJ L 345, 31.12.2003, p. 1).



▼ **M141**

2i. The EFTA States shall, with effect from 1 January 2004, participate in the following programme:

- **32003 D 2318**: Decision No 2318/2003/EC of the European Parliament and of the Council of 5 December 2003 adopting a multiannual programme (2004 to 2006) for the effective integration of information and communication technologies (ICT) in education and training systems in Europe (eLearning Programme) (OJ L 345, 31.12.2003, p. 9).

▼ **M147**

2j. The EFTA States shall, as from 1 January 2004, participate in the Community actions related to the following budget heading, entered in the general budget of the European Union for the financial year 2004:

- **budget heading 15 07 03**: ‘Pilot projects for participation of young people’.

▼ **M158**

2k. The EFTA States shall, with effect from 1 January 2005, participate in the following ► **M157** ► **C2** programmes ◀ ◀:

- **32004 D 0790**: Decision No 790/2004/EC of the European Parliament and of the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level in the field of youth (OJ L 138, 30.4.2004, p. 24);

▼ **M157**▼ **C2**

- **32004 D 0791**: Decision No 791/2004/EC of the European Parliament and the Council of 21 April 2004 establishing a Community action programme to promote bodies active at European level and support specific activities in the field of education and training (OJ L 138, 30.4.2004, p. 31),

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptation:

The EFTA States shall participate in Action 2, 3A, 3B and 3C of the programme;

▼ **M166**

- **32004 D 2241**: Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass) (OJ L 390, 31.12.2004, p. 6).

▼ **M189**

2l. The EFTA States shall, with effect from 1 January 2007, participate in the following programmes:

- **32006 D 1719**: Decision No 1719/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing the ‘Youth in Action’ programme for the period 2007 to 2013 (OJ L 327, 24.11.2006, p. 30),
- **32006 D 1720**: Decision No 1720/2006/EC of the European Parliament and of the Council of 15 November 2006 establishing an action programme in the field of lifelong learning (OJ L 327, 24.11.2006, p. 45).

**▼ M221**

2m. The EFTA States shall, with effect from 1 January 2009, participate in actions 1 and 3 of the following programme:

- **32008 D 1298**: Decision No 1298/2008/EC of the European Parliament and of the Council of 16 December 2008 establishing the Erasmus Mundus 2009-2013 action programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (OJ L 340, 19.12.2008, p. 83).

**▼ M270**

2n. The EFTA States shall, with effect from 1 January 2014, participate in the following programme:

- **32013 R 1288**: Regulation (EU) No 1288/2013 of the European Parliament and of the Council of 11 December 2013 establishing ‘Erasmus+’: the Union programme for education, training, youth and sport and repealing Decisions No 1719/2006/EC, No 1720/2006/EC and No 1298/2008/EC (OJ L 347, 20.12.2013, p. 50).

**▼ M36**

3. ► **M270** The EFTA States shall contribute financially in accordance with Article 82(1)(a) of the Agreement to the programmes and actions referred to in paragraphs 1, 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j, 2k, 2l, 2m and 2n. ◀

**▼ B**

4. The EFTA States shall, as from the start of cooperation in programmes to which they contribute financially in accordance with Article 82(1)(a), participate fully in all the EC committees which assist the EC Commission in the management or development of these programmes.

5. ► **M8** The EFTA States shall, from 1 January 1994, participate in the various activities of the Community, including Eurydice and Arion, involving the exchange of information including, where appropriate, contacts and meetings of experts, seminars and conferences. ◀ The Contracting Parties shall, furthermore, through the EEA Joint Committee or otherwise, take any other initiatives which may appear appropriate in this regard.

6. The Contracting Parties shall encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories where this would contribute to the strengthening and broadening of cooperation. This shall apply in particular to matters covered by the activities of the European Centre for Development of Vocational Training (CEDEFOP). <sup>(1)</sup>

<sup>(1)</sup> **375 R 0337**: Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ No L 39, 13.2.1975, p. 1), as amended by:

- **1 79 H**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Hellenic Republic (OJ No L 291, 19.11.1979, p. 17).
- **1 85 I**: Act concerning the Conditions of Accession and Adjustment to the Treaties — Accession of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.85, pp. 157 and 158).

**▼ M135**

- Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003.

**▼ M110**

7. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities which may result from the following Community acts:

- **398 H 0561**: Council Recommendation 98/561/EC of 24 September 1998 on European cooperation in quality assurance in higher education (OJ L 270, 7.10.1998, p. 56),
- **32001 H 0166**: Recommendation 2001/166/EC of the European Parliament and of the Council of 12 February 2001 on European cooperation in quality evaluation in school education (OJ L 60, 1.3.2001, p. 51),

**▼ M204**

- **32006 H 0961**: Recommendation 2006/961/EC of the European Parliament and of the Council of 18 December 2006 on transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility (OJ L 394, 30.12.2006, p. 5),
- **32006 H 0962**: Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

**▼ M216**

8. The Contracting Parties shall seek to strengthen cooperation in the framework of the following Community acts:

- **32008 H 0506(01)**: Recommendation 2008/C 111/01 of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning (OJ C 111, 6.5.2008, p. 1),

**▼ M231**

- **32008 H 1213**: Council Recommendation 2008/C 319/03 of 20 November 2008 on the mobility of young volunteers across the European Union (OJ C 319, 13.12.2008, p. 8),

**▼ M232**

- **32009 H 0708(01)**: Recommendation of the European Parliament and of the Council 2009/C 155/01 of 18 June 2009 on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training (OJ C 155, 8.7.2009, p. 1),
- **32009 H 0708(02)**: Recommendation of the European Parliament and of the Council 2009/C 155/02 of 18 June 2009 on the establishment of a European Credit System for Vocational Education and Training (ECVET) (OJ C 155, 8.7.2009, p. 11),

**▼ M284**

- **32012 H 1222(01)**: Council Recommendation 2012/C 398/01 of 20 December 2012 on the validation of non-formal and informal learning (OJ C 398, 22.12.2012, p. 1).

**▼ B***Article 5***Social policy**

1. In the field of social policy, the dialogue referred to in Article 79(1) of the Agreement shall comprise, *inter alia*, the holding of meetings, including contacts between experts, the examination of questions of mutual interest in specific fields, the exchange of information on activities of the Contracting Parties, stock-taking of the state of cooperation and the carrying out, in common, of activities such as seminars and conferences.

**▼ B**

2. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community acts:

- **388 Y 0203**: Council Resolution of 21 December 1987 on safety, hygiene and health at work (OJ No C 28, 3.2.1988, p. 3);
- **391 Y 0531**: Council Resolution of 21 May 1991 on the third medium-term Community action programme on equal opportunities for women and men (1991-95) (OJ No C 142, 31.5.1991, p. 1);

**▼ M22**

- **395 D 0593**: Council Decision 95/593/EC of 22 December 1995 on a medium-term Community action programme on equal opportunities for men and women (1996 to 2000) (OJ No L 335, 30.12.1995, p. 37).

The EFTA States shall participate in this Community action programme in accordance with the provisions laid down in Appendix 2 to this Protocol;

**▼ B**

- **390 Y 627(06)**: Council Resolution of 29 May 1990 on action to assist the long-term unemployed (OJ No C 157, 27.6.1990, p. 4);
- **386 X 0379**: Council Recommendation 86/379/EEC of 24 July 1986 on the employment of disabled people in the Community (OJ No L 225, 12.8.1986, p. 43);
- **389 D 0457**: Council Decision 89/457/EEC of 18 July 1989 establishing a medium-term Community action programme concerning the economic and social integration of the economically and socially less privileged groups in the society (OJ No L 224, 2.8.1989, p. 10).

3. The EFTA States shall, from the entry into force of the Agreement, participate within the framework of the Community actions for the elderly, <sup>(1)</sup>

The EFTA States shall contribute financially in accordance with Article 82(1)(b) of the Agreement.

The EFTA States shall participate fully in the EC committees which assist the EC Commission in the management or development of the programme except for matters relating to the distribution of EC financial resources between Member States of the Community.

**▼ M13**

4. The EFTA States shall, during 1995, participate in the Community actions to assist disabled people according to the Work Programme in Appendix 1 to this Protocol. The EFTA States shall contribute financially in accordance with the 'Budgetary Aspects' section of that Work Programme during this period.

<sup>(1)</sup> **391 D 0049**: Council Decision 91/49/EEC of 26 November 1990 (OJ No L 28, 2.2.1991, p. 29). ► **M8** With regard to Council Decision 91/49/EEC, it is agreed that the EFTA States shall, from 1 January 1994, contribute to the administrative costs related to the follow-up actions of the Community covered by the budget line B3-4104, 'measure for elderly persons'. ◀

▼ **M251**

5. The EFTA States shall participate in the Community programmes and actions referred to in the first two indents of paragraph 8 as from 1 January 1996, in the programme referred to in the third indent of paragraph 8 as from 1 January 2000, in the programme referred to in the fourth indent of paragraph 8 as from 1 January 2001, in the programmes referred to in the fifth and sixth indents of paragraph 8 as from 1 January 2002, in the programmes referred to in the seventh and eighth indents of paragraph 8 as from 1 January 2004, in the programmes referred to in the ninth, 10th and 11th indents of paragraph 8 as from 1 January 2007 ► **M254** , in the programme referred to in the 12th indent of paragraph 8 as from 1 January 2009 ► **M275** , in the actions funded from the budget lines for the financial years 2012 and 2013 referred to in paragraph 12 as from 1 January 2012 and in the actions funded from the budget line for the financial year 2014 referred to in paragraph 13 as from 1 January 2014 ◀ ◀ and in the programme referred to in the 13th indent of paragraph 8 as from 1 January 2012 ► **M280** , in the programme referred to in the fourteenth indent as from 1 January 2014. ◀

▼ **M13**

6. From that date, the EFTA States shall contribute financially to the programmes and actions referred to in ► **M275** paragraphs 8, 12 and 13 ◀ in accordance with Article 82 (1) (a) of the Agreement.

7. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in ► **M275** paragraphs 8, 12 and 13 ◀, participate fully in the EC committees which assist the Commission in the management or development of these programmes and actions.

8. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community facts:

— **393 D 0136**: Council Decision 93/136/EEC of 25 February 1993 establishing a third Community action programme to assist disabled people (Helios II 1993 to 1996) (OJ No L 56, 9. 3. 1993, p. 30).

— **394 D 0782**: Council Decision 94/782/EC of 6 December 1994 concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module (OJ No L 316, 9. 12. 1994, p. 42).

▼ **M54**

— **32000 D 0293**: Decision No 293/2000/EC of the European Parliament and of the Council of 24 January 2000 adopting a programme of Community action (the Daphne programme) (2000 to 2003) on preventive measures to fight violence against children, young persons and women (OJ L 34, 9.2.2000, p. 1).

▼ **M104**

— **32001 D 0051**: Council Decision 2001/51/EC of 20 December 2000 establishing a Programme relating to the Community framework strategy on gender equality (2001-2005) (OJ L 17, 19.1.2001, p. 22), ► **M175** as amended by:

— **32005 D 1554**: Decision No 1554/2005/EC of the European Parliament and of the Council of 7 September 2005 (OJ L 255, 30.9.2005, p. 9). ◀

▼ **M114**

— **32001 D 0903**: Council Decision 2001/903/EC of 3 December 2001 on the European Year of People with Disabilities 2003 (OJ L 335, 19.12.2001, p. 15).

▼ M115

- **32002 D 0050:** Decision No 50/2002/EC of the European Parliament and of the Council of 7 December 2001 establishing a programme of Community action to encourage cooperation between Member States to combat social exclusion (OJ L 10, 12.1.2002, p. 1), ► M146 as amended by:
  - **32004 D 0786:** Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7). ◀

▼ M132

- **32000 D 0750:** Council Decision 2000/750/EC of 27 November 2000 establishing a Community action programme to combat discrimination (2001 to 2006) (OJ L 303, 2.12.2000, p. 23).

▼ M152

- **32004 D 0803:** Decision No 803/2004/EC of the European Parliament and of the Council of 21 April 2004 adopting a programme of Community action (2004 to 2008) to prevent and combat violence against children, young people and women and to protect victims and groups at risk (the Daphne II programme) (OJ L 143, 30.4.2004, p. 1).

▼ M183

- **32006 D 0771:** Decision No 771/2006/EC of the European Parliament and of the Council of 17 May 2006 establishing the European Year of Equal Opportunities for All (2007) — towards a just society (OJ L 146, 31.5.2006, p. 1).

▼ M190

- **32006 D 1672:** Decision No 1672/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Community Programme for Employment and Social Solidarity — Progress (OJ L 315, 15.11.2006, p. 1), as corrected by OJ L 65, 3.3.2007, p. 12.

▼ M200

- **32007 D 0779:** Decision No 779/2007/EC of the European Parliament and of the Council of 20 June 2007 establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (Daphne III programme) as part of the General Programme 'Fundamental Rights and Justice' (OJ L 173, 3.7.2007, p. 19).

▼ M222

- **32008 D 1098:** Decision No 1098/2008/EC of the European Parliament and of the Council of 22 October 2008 on the European Year for Combating Poverty and Social Exclusion (2010) (OJ L 298, 7.11.2008, p. 20).

▼ M251

- **32011 D 0940:** Decision No 940/2011/EU of the European Parliament and of the Council of 14 September 2011 on the European Year for Active Ageing and Solidarity between Generations (2012) (OJ L 246, 23.9.2011, p. 5).

▼ M280

- **32013 R 1381:** Regulation (EU) No 1381/2013 of the European Parliament and of the Council of 17 December 2013 establishing a Rights, Equality and Citizenship Programme for the period 2014 to 2020 (OJ L 354, 28.12.2013, p. 62).

Liechtenstein shall only participate in the activities which may result from budget lines 33 01 04 01 Support expenditure for Rights and Citizenship and 33 02 02 Promoting non-discrimination and equality.

Norway shall be exempted from the participation in, and the financial contribution to, this programme.

**▼ B**

► **M13** 9. ◀ The EEA Joint Committee shall take the necessary decisions in order to facilitate cooperation between the Contracting Parties in future programmes and activities of the Community in the social field.

► **M13** 10. ◀ The Contracting Parties shall encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories where this would contribute to the strengthening and broadening of cooperation. This shall apply in particular to matters covered by the activities of the European Foundation for the Improvement of Working and Living Conditions. <sup>(1)</sup>

**▼ M230**

11. (a) The EFTA States shall participate fully in the European Agency for Safety and Health at Work, hereinafter referred to as the 'Agency', as set up by the following Community act:

— **31994 R 2062**: Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work (OJ L 216, 20.8.1994, p. 1), as amended by:

— **31995 R 1643**: Council Regulation (EC) No 1643/95 of 29 June 1995 (OJ L 156, 7.7.1995, p. 1),

— **32003 R 1654**: Council Regulation (EC) No 1654/2003 of 18 June 2003 (OJ L 245, 29.9.2003, p. 38),

— **32005 R 1112**: Council Regulation (EC) No 1112/2005 of 24 June 2005 (OJ L 184, 15.7.2005, p. 5).

(b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) and Protocol 32 of the Agreement.

(c) The EFTA States shall participate fully in the Governing Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.

<sup>(1)</sup> **375 R 1365**: Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions (OJ No L 139, 30.5.1975, p. 1), as amended by:

— **1 79 H**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Hellenic Republic (OJ No L 291, 19.11.1979, p. 17).

— **1 85 I**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.85, pp. 157 and 158).

**▼ M161**

— **1 94 N**: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments of the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 21 as amended by OJ L 1, 1.1.1995, p. 1).

**▼ M135**

— Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003.

▼ **M230**

- (d) The EFTA States shall, within six months from the entry into force of Decision of the EEA Joint Committee No 160/2009 of 4 December 2009, inform the Agency of the main component elements of their national health and safety at work information networks provided for in Article 4 of Regulation (EC) No 2062/94, as subsequently amended.
- (e) The EFTA States shall in particular, within the period laid down in (d), designate the institutions for coordinating and/or transmitting the information to be supplied at national level to the Agency.
- (f) The EFTA States shall also inform the Agency of the names of institutions established in their national territory which are able to cooperate with it on certain topics of particular interest and thus to act as topic centres of the network.
- (g) Within three months of receiving the information referred to in (d), (e) and (f), the Governing Board shall review the main elements of the network to take account of the participation of the EFTA States.
- (h) The Agency shall have legal personality. It shall enjoy in all the states of the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (i) The EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities.
- (j) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities as established by Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, nationals of EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Agency.
- (k) By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (l) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(2)</sup> shall, for the application of Regulation (EC) No 2062/94, apply to any documents of the Agency regarding the EFTA States as well.

▼ **M254**

12. The EFTA States shall, as from 1 January 2012, participate in the actions funded from the following budget lines, entered in the general budget of the European Union for the financial ► **M261** years 2012 and 2013 ◀:

— **Budget line 04 01 04 08:** ‘Free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries — Expenditure on administrative management’,

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1.

<sup>(2)</sup> OJ L 145, 31.5.2001, p. 43.



▼ M254

- **Budget line 04 03 05:** ‘Free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries’.

▼ M275

13. The EFTA States shall, as from 1 January 2014, participate in the actions funded from the following budget line, entered into the general budget of the European Union for the financial year 2014:

- **Budget line 04 03 01 03:** ‘Free movement of workers, coordination of social security schemes and measures for migrants including migrants from third countries’.

▼ B*Article 6***Consumer protection**

1. In the field of consumer protection, the Contracting Parties shall strengthen the dialogue between them by all appropriate means, with a view to identifying areas and activities where closer cooperation could contribute to the attainment of their objectives.

2. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities, which may result from the following Community acts, in particular in ensuring consumer influence and participation:

▼ M8

- **392 Y 0723:** Council Resolution of 13 July 1992 on future priorities for the development of consumer protection policy (OJ No C 186, 23. 7. 1992, p. 1);
- **593 DC 0378:** Second Commission three-year plan 1993-1995;

▼ B

- **388 Y 1117(01):** Council Resolution of 4 November 1988 on the improvement of consumer involvement in standardization (OJ No C 293, 17.11.1988, p. 1).

▼ M94

3. The EFTA States shall, from 1 January 2000, participate in the Community activities which may result from the following act as well as from acts deriving therefrom:

- **399 D 0283:** Decision No 283/1999/EC of the European Parliament and of the Council of 25 January 1999 establishing a general framework for Community activities in favour of consumers (OJ L 34, 9.2.1999, p. 1).

▼ M145

The EFTA States shall, from 1 January 2004, participate in the Community activities, which may result from the following act as well as from acts deriving therefrom:

- **32004 D 0020:** Decision No 20/2004/EC of the European Parliament and of the Council of 8 December 2003 establishing a general framework for financing Community actions in support of consumer policy for the years 2004 to 2007 (OJ L 5, 9.1.2004, p. 1), ► M146 as amended by:
- **32004 D 0786:** Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7). ◀

**▼ M191**

3a. The EFTA States shall, with effect from 1 January 2007, participate in the following programme:

- **32006 D 1926**: Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013) (OJ L 404, 30.12.2006, p. 39).

**▼ M290**

3b. The EFTA States shall, with effect from 1 January 2014, participate in the following programme:

- **32014 R 0254**: Regulation (EU) No 254/2014 of the European Parliament and of the Council of 26 February 2014 on a multiannual consumer programme for the years 2014-20 and repealing Decision No 1926/2006/EC (OJ L 84, 20.3.2014, p. 42).

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 251/2014 of 13 November 2014 enters into force before the end of the action.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.

**▼ M94**

4. ► **M290** The EFTA States shall contribute financially to the activities referred to in paragraphs 3, 3a and 3b in accordance with Article 82(1)(a) of the Agreement. ◀

5. ► **M290** The EFTA States shall, as from the start of cooperation in the activities referred to in paragraphs 3, 3a and 3b, participate fully, without the right to vote, in the EC committees and other bodies which assist the EC Commission in the management or development of these activities. ◀

**▼ B***Article 7***▼ M106****Enterprise, entrepreneurship and small and medium-sized enterprises****▼ B**

1. The cooperation in the field of small and medium-sized enterprises shall in particular be promoted within the framework of actions of the Community:

- to remove undue administrative, financial and legal constraints on business;
- to inform and assist enterprises, and in particular small and medium-sized enterprises, on policies and programmes which might be of relevance to them;
- to encourage cooperation and partnership between enterprises, and in particular small and medium-sized enterprises, from different regions of the European Economic Area.

**▼ M8**

2. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 5.

▼ **M8**

3. The EFTA States shall contribute financially to the programmes and actions referred to in ► **M289** paragraphs 5 to 9 ◀ in accordance with Article 82 (1) (a) of the Agreement.

4. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in ► **M289** paragraphs 5 to 9 ◀, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

5. The Contracting parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community acts:

— **393 D 0379**: Council Decision 93/379/EEC of 14 June 1993 on a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community (OJ No L 161, 2. 7. 1993, p. 68);

▼ **M34**

— **397 D 0015**: Council Decision 97/15/EC of 9 December 1996 on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997 to 2000) (OJ L 6, 10.1.1997, p. 25);

▼ **M8**

— **389 Y 1007(01)**: Council Resolution of 26 September 1989 on the development of subcontracting within the Community (OJ No C 254, 7. 10. 1989, p. 1);

— **390 X 0246**: Council Recommendation of 28 May relating to the implementation of a policy of administrative simplification in favour of small and medium-sized enterprises in the Member States (OJ No L 141, 2. 6. 1990, p. 55);

— **393 Y 1203(01)**: Council Resolution of 22 November 1993 on strengthening of the competitiveness of enterprises, in particular of small and medium-sized enterprises and craft enterprises, and developing employment (OJ No C 326, 3. 12. 1993, p. 1);

▼ **M74**

— **398 D 0347**: Council Decision 98/347/EC of 19 May 1998 on measures of financial assistance for innovative and job-creating small and medium-sized enterprises ((SMEs), the growth and employment initiative (OJ L 155, 29.5.1998, p. 43), as far as activities related to budget line B5-51 1 'Joint European ventures', entered in the general budget of the European Communities, are concerned;

▼ **M106**

— **32000 D 0819**: Council Decision 2000/819/EC of 20 December 2000 on a multiannual programme for enterprise and entrepreneurship, and in particular for small and medium-sized enterprises (SMEs) (2001-2005) (OJ L 333, 29.12.2000, p. 84) ► **M135** , as amended by:

— Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003; ◀

▼ **M163**

— **32004 D 0593**: Decision No 593/2004/EC of the European Parliament and of the Council of 21 July 2004 (OJ L 268, 16.8.2004, p. 3);

▼ **M176**

— **32005 D 1776**: Decision No 1776/2005/EC of the European Parliament and of the Council of 28 September 2005 (OJ L 289, 3.11.2005, p. 14);

▼ **M135**

- Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003;

▼ **M192**

- **32006 D 1639**: Decision No 1639/2006/EC of the European Parliament and of the Council of 24 October 2006 establishing a Competitiveness and Innovation Framework Programme (2007-2013) (OJ L 310, 9.11.2006, p. 15);

▼ **M276**

- **32013 R 1287**: Regulation (EU) No 1287/2013 of the European Parliament and of the Council of 11 December 2013 establishing a Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) (2014 — 2020) and repealing Decision No 1639/2006/EC (OJ L 347, 20.12.2013, p. 33).

Liechtenstein and Norway shall be exempted from the participation in, and the financial contribution to, this programme.

▼ **M148**

6. The EFTA States shall, as from 1 January 2004, participate in the Community actions related to the following budget headings, entered in the general budget of the European Union for the financial ► **M264** years 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 ◀:

- **budget heading 12 01 04 01**: ‘Implementation and development of the internal market — Expenditure on administrative management’,
- **budget heading 12 02 01**: ‘Implementation and development of the internal market’.

▼ **M179**

7. The EFTA States shall, as from 1 January 2006, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial ► **M264** years 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013 ◀:

▼ **M213**

- **Budget line 02.03.01**: ‘Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation’.

8. The EFTA States shall, as from 1 January 2008, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial ► **M264** years 2008, 2009, 2010, 2011, 2012 and 2013 ◀:

- **Budget line 02.01.04.01**: ‘Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation — Expenditure on administrative management’.

**▼ M289**

9. The EFTA States shall, as from 1 January 2014, participate in the Union actions related to the following budget lines, entered into the general budget of the European Union for the financial year 2014:

— **Budget line 02.03.01:** ‘Operation and development of the internal market, particularly in the fields of notification, certification and sectoral approximation’,

— **Budget line 12.02.01:** ‘Implementation and development of the internal market’.

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 250/2014 of 13 November 2014 enters into force before the end of the action.

**▼ M8***Article 8***Tourism**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4.

2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community act:

— **392 D 0421:** Council Decision 92/421/EEC of 13 July 1992 concerning a Community action plan to assist tourism (OJ No L 231, 13. 8. 1992, p. 26).

*Article 9***Audiovisual sector**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4.

2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.

▼ **M8**

3. The EFTA States shall, as from the start of cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community ► **M20** acts ◀:

— **390 D 0685**: Council Decision 90/685/EEC of 21 December 1990 concerning the implementation of an action programme to promote the development of the European Audiovisual industry (MEDIA) (1991 to 1995) (OJ No L 380, 31. 12. 1990, p. 37);

▼ **M20**

— **395 D 0563**: Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II — Development and distribution) (1996 to 2000) (OJ No L 321, 30. 12. 1995, p. 25);

— **395 D 0564**: Council Decision 95/564/EC of 22 December 1995 on the implementation of a training programme for professionals in the European audiovisual programme industry (Media II — Training) (1996 to 2000) (OJ No L 321, 30. 12. 1995, p. 33);

▼ **M102**

— **32001 D 0163**: Decision No 163/2001/EC of the European Parliament and of the Council of 19 January 2001 on the implementation of a training programme for professionals in the European audiovisual programme industry (Media Training) (2001 to 2005) (OJ L 26, 27.1.2001, p. 1), ► **M146** as amended by:

— **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

▼ **M165**

— **32004 D 0845**: Decision No 845/2004/EC of the European Parliament and of the Council of 29 April 2004 (OJ L 157, 30.4.2004, p. 1), as corrected by OJ L 195, 2.6.2004, p. 1,

▼ **M168**

— **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).

▼ **M102**

— **32000 D 0821**: Council Decision 2000/821/EC of 20 December 2000 on the implementation of a programme to encourage the development, distribution and promotion of European audiovisual works (Media Plus — Development, distribution and promotion) (2001 to 2005) (OJ L 336, 30.12.2000, p. 82), ► **M165** as amended by:

— **32004 D 0846**: Decision No 846/2004/EC of the European Parliament and of the Council of 29 April 2004 (OJ L 157, 30.4.2004, p. 4), as corrected by OJ L 195, 2.6.2004, p. 2, ◀

▼ **M168**

— **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).

▼ **M193**

— **32006 D 1718**: Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 concerning the implementation of a programme of support for the European audio-visual sector (MEDIA 2007) (OJ L 327, 24.11.2006, p. 12), as corrected by OJ L 31, 6.2.2007, p. 10.

▼ **M244**

- **32009 D 1041**: Decision No 1041/2009/EC of the European Parliament and of the Council of 21 October 2009 establishing an audiovisual cooperation programme with professionals from third countries (MEDIA Mundus) (OJ L 288, 4.11.2009, p. 10).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme,

▼ **M271**

- **32013 R 1295**: Regulation (EU) No 1295/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Creative Europe Programme (2014 to 2020) and repealing Decisions No 1718/2006/EC, No 1855/2006/EC and No 1041/2009/EC (OJ L 347, 20.12.2013, p. 221).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.

▼ **B***Article 10***Civil protection**

1. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities which may result from (489 Y 0223) Resolution of the Council and the Representatives of the Member States, meeting within the Council, of 13 February 1989 on the new developments in Community cooperation on civil protection (OJ No C 44, 23.2.1989, p. 3).

2. The EFTA States shall ensure that the number 112 is introduced within their territories as the single European emergency call number in accordance with the provisions of (391 D 0396) Council Decision of 29 July 1991 on the introduction of a single European emergency call number (OJ No L 217, 6.8.1991, p. 31).

▼ **M41**

3. The Contracting Parties shall seek to strengthen cooperation with a view to improving mutual aid within the European Economic Area in the event of natural or technological disaster in the framework of Community activities which may result from the following Community ►**M55** acts ◀:

- **491 Y 0727(01)**: Resolution 91/C 198/01 of the Council and the representatives of the Governments of the Member States, meeting with the Council of 8 July 1991, on improving mutual aid between Member States in the event of natural or technological disaster (OJ C 198, 27.7.1991, p. 1).

4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community ►**M55** acts ◀:

- **494 Y 1110(01)**: Resolution 94/C 313/01 of the Council and the representatives of the Governments of the Member States, meeting with the Council of 31 October 1994, on strengthening Community cooperation on civil protection (OJ C 313, 10.11.1994, p. 1).

▼ **M73**

5. ►**M116** The EFTA States shall participate in the Community action programmes and mechanisms referred to in paragraph 8. ◀

6. The EFTA States shall contribute financially to the ►**M116** Community action programmes and mechanisms ◀ referred to in paragraph 8 in accordance with Article 82(1)(a) of the Agreement.

▼ **M73**

7. The EFTA States shall participate fully in the EC ► **M55** committees ◀ which assists the European Commission in the management, development and implementation of the ► **M116** Community action programmes and mechanisms ◀ referred to in paragraph 8.

8. ► **M116** The following Community acts, as well as acts deriving therefrom, are the object of this Article:

(a) Community acts which shall take effect on or before 1 January 2000: ◀

— **398 D 0022**: Council Decision 98/22/EC of 19 December 1997 establishing a Community action programme in the field of civil protection (OJ L 18, 14.1.1998, p. 20);

▼ **M55**

— **399 D 0847**: Council Decision 1999/847/EC of 9 December 1999 establishing a Community action programme in the field of civil protection (OJ L 327, 21.12.1999, p. 53), ► **M167** ► **C3** as amended by:

— **32005 D 0012**: Council Decision 2005/12/EC of 20 December 2004 amending Decision 1999/847/EC as regards the extension of the Community action programme in the field of civil protection (OJ L 6, 8.1.2005, p. 7). ◀ ◀

▼ **M116**

(b) ► **M206** Community acts which shall take effect from 1 January 2008:

— **32007 D 0779**: Council Decision 2007/779/EC, Euratom of 8 November 2007 establishing a Community Civil Protection Mechanism (recast) (OJ L 314, 1.12.2007, p. 9). ◀

▼ **M197**

(c) Community acts which shall take effect from 1 January 2007:

— **32007 D 0162**: Council Decision 2007/162/EC, Euratom of 5 March 2007 establishing a Civil Protection Financial Instrument (OJ L 71, 10.3.2007, p. 9).

▼ **M277**

(d) Community acts which shall take effect from 1 January 2014:

— **32013 D 1313**: Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.

▼ **M247**

9. (a) The Contracting Parties shall cooperate with each other in the fields covered by the following act:

— **32008 L 0114**: Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75).

(b) With a view to achieving the aims set out in Directive 2008/114/EC, the Contracting Parties shall make use of the appropriate forms of cooperation mentioned in Article 80 of the Agreement.



▼ **M247**

- (c) By virtue of Article 79(3) of the Agreement Part VII (Institutional Provisions) of the Agreement, with the exception of Sections 1 and 2 of Chapter 3, shall apply to this paragraph.

▼ **M8***Article 11***Trade Facilitation**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4 in accordance with Article 21 (3) of the Agreement.

2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall, shall as from the start of cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

4. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **387 D 0499**: Council Decision 87/499/EEC of 5 October 1987 introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (OJ No L 285, 8. 10. 1987, p. 35);

— **389 D 0241**: Council Decision 89/241/EEC of 5 April 1989 amending Decision 87/499/EEC introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (OJ No L 97, 11. 4. 1989, p. 46);

— **391 D 0385**: Council Decision 91/385/EEC of 22 July 1991 establishing the second phase of the TEDIS programme (Trade electronic data interchange systems) (OJ No L 208, 30. 7. 1991, p. 66).

*Article 12***Transport and mobility**

1. The EFTA States shall, as from 1 January 1994, participate in the Community actions related to the budget line B6-8351 'Transport and mobility', entered in the EC budget for the year 1994.

▼ **M195**

2. The EFTA States shall, with effect from 1 January 2004, participate in the following programme:

— **32003 R 1382**: Regulation (EC) No 1382/2003 of the European Parliament and of the Council of 22 July 2003 on the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo Programme) (OJ L 196, 2.8.2003, p. 1), as amended by:

— **32004 R 0788**: Regulation (EC) No 788/2004 of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 17).

▼ **M195**

3. The EFTA States shall, with effect from 1 January 2007, participate in the following programme:

— **32006 R 1692**: Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second ‘Marco Polo’ programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) and repealing Regulation (EC) No 1382/2003 (OJ L 328, 24.11.2006, p. 1), as corrected by OJ L 65, 3.3.2007, p. 12, ► **M233** as amended by:

— **32009 R 0923**: Regulation (EC) No 923/2009 of the European Parliament and of the Council of 16 September 2009 (OJ L 266, 9.10.2009, p. 1). ◀

► **M195** 4. ◀ ► **M195** The EFTA States shall contribute financially to the actions and programmes referred to in paragraphs 1, 2 and 3 in accordance with Article 82(1)(a) of the Agreement. ◀

5. The EFTA States shall participate fully in the EC committees which assist the EC Commission in the management, development and implementation of the Community programmes referred to in paragraphs 2 and 3.

▼ **M14***Article 13***Culture**

1. Cooperation in the field of culture shall be strengthened in the framework of the activities and programmes of the Community in that area. The EFTA States participate in the various activities of the Community in the field of culture involving exchange of information, meetings of experts, seminars, conferences and diverse cultural events.

▼ **M149**

2. The EFTA States shall contribute financially to the activities referred to in paragraphs 1, 4, 5 and 6 in accordance with Article 82(1)(a) of the Agreement.

3. The EFTA States shall participate fully in the EC committees and other bodies which assist the Commission in the management, development and implementation of the activities referred to in paragraphs 1, 4, 5 and 6.

▼ **M79**

4. The following Community acts, as well as acts derived therefrom, are the object of this Article:

— **396 D 0719**: Decision No 719/96/EC of the European Parliament and of the Council of 29 March 1996 establishing a programme to support artistic and cultural activities having a European dimension (Kaleidoscope) (OJ L 99, 20.4.1996, p. 20), ► **M80** as amended by:

— **399 D 0477**: Decision No 477/1999/EC of the European Parliament and of the Council of 22 February 1999 (OJ L 57, 5.3.1999, p. 2), ◀

— **397 D 2085**: Decision No 2085/97/EC of the European Parliament and of the Council of 6 October 1997 establishing a programme of support, including translation, in the field of books and reading (Ariane) (OJ L 291, 24.10.1997, p. 26), ► **M80** as amended by:

— **399 D 0476**: Decision No 476/1999/EC of the European Parliament and of the Council of 22 February 1999 (OJ L 57, 5.3.1999, p. 1), ◀

▼ M79

- **397 D 2228**: Decision No 2228/97/EC of the European Parliament and of the Council of 13 October 1997 establishing a Community action programme in the field of cultural heritage (the Raphael programme) (OJ L 305, 8.11.1997, p. 31),

▼ M64

- **32000 D 0508**: Decision No 508/2000/EC of the European Parliament and of the Council of 14 February 2000 establishing the Culture 2000 programme (OJ L 63, 10.3.2000, p. 1),  
▶ M146 as amended by:
  - **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

▼ M156

- **32004 D 0626**: Decision No 626/2004/EC of the European Parliament and of the Council of 31 March 2004 (OJ L 99, 3.4.2004, p. 3),

▼ M168

- **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1),

▼ M194

- **32006 D 1855**: Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing the Culture Programme (2007-2013) (OJ L 372, 27.12.2006, p. 1).

▼ M82

5. The EFTA States shall, as from 1 January 1999, participate in the Community actions related to the following budget line, entered in the general budget of the European Union for the financial year 1999:
  - **B3-2005**: ‘Experimental measures in relation to the cultural framework programme’.

▼ M149

6. The EFTA States shall, as from 1 January 2004, participate in the Community actions related to the following budget heading, entered in the general budget of the European Union for the financial year 2004:
  - **budget heading 15 04 02 03**: ‘Preparatory actions for cooperation on cultural matters’.

▼ M205

7. the Contracting Parties shall seek to strengthen cooperation in the framework of Community activities which may result from the following Community acts:
  - **32006 H 0585**: Commission Recommendation 2006/585/EC of 24 August 2006 on the digitisation and online accessibility of cultural material and digital preservation (OJ L 236, 31.8.2006, p. 28).

▼ M21*Article 14***Energy programmes and environment-related energy activities:**

1. As from 1 January 1996, the EFTA States shall participate in the Community programme referred to in paragraph 5 (a) and in actions pursuant thereto.
2. As from 1 January 1996, the EFTA States shall participate in the Community programme referred to in paragraph 5 (b) and in actions pursuant thereto.

▼ **M57**

2a. As from 1 January 1998, the EFTA States shall participate in the Community programme referred to in paragraph 5(c) and in actions pursuant thereto.

▼ **M99**

2b. As from 1 January 2000, the EFTA States shall participate in the Community programme referred to in paragraph 5(d) and in actions pursuant thereto.

▼ **M89**

2c. As from 1 January 2000, the EFTA States shall participate in the Community programme referred to in paragraph 5(e) and in actions pursuant thereto.

▼ **M90**

2d. As from 1 January 2000, the EFTA States shall participate in the Community programme referred to in paragraph 5(f) and in actions pursuant thereto.

▼ **M130**

2e. As from 1 January 2003, the EFTA States shall participate in the Community programme referred to in paragraph 5(g) and in actions pursuant thereto, with the exception of the programme's specific field 'Coopener' and actions pursuant thereto,

▼ **M151**

— As from 1 January 2005 the EFTA States shall participate in the specific field 'COOPENER' and actions pursuant thereto in the Community programme referred to in paragraph 5(g).

▼ **M21**

3. The EFTA/EEA States shall contribute financially to the programmes referred to in ► **M130** paragraph 5(a), (b), (c), (d), (e), (f) and (g) ◀, and to actions pursuant thereto, in accordance with Article 82 (1) (a) of the Agreement.

4. As from the start of the cooperation in the programmes referred to in ► **M130** paragraph 5(a), (b), (c), (d), (e), (f) and (g) ◀, and the actions pursuant thereto, the EFTA/EEA States shall participate fully in the EC committees which assist the European Commission in the management of such programmes and actions.

5. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities resulting from the following Community acts:

(a) **393D 0500**: Council Decision 93/500/EEC of 13 September 1993 concerning the promotion of renewable energy sources in the Community (Altener programme) (OJ No L 235, 18. 9. 1993, p. 41).

(b) **396D 0737**: Council Decision 96/737/EC of 16 December 1996 concerning a multiannual programme for the promotion of energy efficiency in the Community (SAVE II programme) (OJ No L 335, 24. 12. 1996, p. 50).

▼ **M57**

(c) — **398 D 0352**: Council Decision 98/352/EC of 18 May 1998 concerning a multiannual programme for the promotion of renewable energy sources in the Community (Altener II) (OJ L 159, 3.6.1998, p. 53).

▼ **M99**

(d) **399 D 0022**: Council Decision 1999/22/EC of 14 December 1998 adopting a multiannual programme of studies, analyses, forecasts and other related work in the energy sector (1990 to 2002) (ETAP programme) (OJ L 7, 13.1.1999, p. 20).

**▼ M189**

- (e) **32000 D 0646**: Decision No 646/2000/EC of the European Parliament and of the Council of 28 February 2000 adopting a multiannual programme for the promotion of renewable energy sources in the Community (Altener) (1998 to 2002) (OJ L 79, 30.3.2000, p. 1).

**▼ M190**

- (f) **32000 D 0647**: Decision No 647/2000/EC of the European Parliament and of the Council of 28 February 2000 adopting a multiannual programme for the promotion of energy efficiency (SAVE) (1998 to 2002) (OJ L 79, 30.3.2000, p. 6).

**▼ M130**

- (g) **32003 D 1230**: Decision No 1230/2003/EC of the European Parliament and of the Council of 26 June 2003 adopting a multiannual programme for action in the field of energy: 'Intelligent Energy — Europe' (2003 to 2006) (OJ L 176, 15.7.2003, p. 29),  
 ► **M146** as amended by:

- **32004 D 0787**: Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 12). ◀

**▼ M19***Article 15***Employment**

1. Cooperation in the field of employment shall be strengthened by participation of the EFTA States in the European Employment Services network (Eures). The EFTA States shall participate, as from 1 January 1996, in all the various activities of the Community under Eures including exchange of information, meetings of experts, seminars, conferences and other related events.

2. The EFTA States shall contribute financially to the activities referred to in paragraph 1 ► **M278** and which are carried out before 1 January 2014, ◀ in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall participate fully in the working party and other bodies which assist the Commission in the management, development and implementation of the activities related to the Eures network.

**▼ M184**

4. Paragraphs 1 to 3 shall apply to Liechtenstein as from 1 January 2007.

**▼ M72**

5. ► **M278** The EFTA States shall participate in the Community activities referred to in the first indent of paragraph 8 as from 1 January 1999, in the activities referred to in the second indent as from 1 January 2003 and in the activities referred to in the third indent as from 1 January 2014. ◀

6. The EFTA States shall contribute financially to the activities referred to in paragraph 8 in accordance with Article 82(1)(a) of the Agreement.

7. The EFTA States shall participate fully in the EC committee which assists the European Commission in the management, development and implementation of the activities referred to in paragraph 8.

8. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following ► **M119** acts ◀:

▼ M72

- **398 L 0171**: Council Decision 98/171/EC of 23 February 1998 on Community activities concerning analysis, research and cooperation in the field of employment and the labour market (OJ L 63, 4.3.1998, p. 26),

▼ M119

- **32002 D 1145**: Decision No 1145/2002/EC of the European Parliament and of the Council of 10 June 2002 on Community incentive measures in the field of employment (OJ L 170, 29.6.2002, p. 1), ► **M146** as amended by:
  - **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7), ◀

▼ M278

- **32013 R 1296**: Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ('EaSI') and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L 347, 20.12.2013, p. 238).

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme. Norway shall participate in, and financially contribute to, only the EURES axis of the programme.

▼ M291

9. The EFTA States shall participate in the cooperation provided for in the following EU act:

- **32014 D 0573**: Decision No 573/2014/EU of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32).

The EFTA States shall participate fully, without the right to vote, in the Board of the Network.

▼ M17*Article 16***Public health**

1. Cooperation in the field of public health shall be strengthened by participation of the EFTA States in Community activities which may result from the following Community acts:

▼ M120

\_\_\_\_\_

▼ M85

- **398 D 2119**: Decision No 2119/98/EC of the European Parliament and of the Council of 24 September 1998 setting up a network for the epidemiological surveillance and control of communicable diseases in the Community (OJ L 268, 3.10.1998, p. 1), ► **M210** as amended by:
  - **32007 D 0875**: Commission Decision 2007/875/EC of 18 December 2007 (OJ L 344, 28.12.2007, p. 48). ◀

▼ M294

- In the context of the cooperation provided for under this indent, the EFTA States shall take note of the following act:

- **32012 H 0073**: Commission Recommendation 2012/73/EU of 6 February 2012 on data protection guidelines for the Early Warning and Response System (EWRS) (OJ L 36, 9.2.2012, p. 31).

▼ **M120**

- **32002 D 1786**: Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003 to 2008) (OJ L 271, 9.10.2002, p. 1) , ► **M146** as amended by:
  - **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7) , ◀

▼ **M208**

- **32007 D 1150**: Decision No 1150/2007/EC of the European Parliament and of the Council of 25 September 2007 establishing for the period 2007-2013 the Specific Programme ‘Drug prevention and information’ as part of the General Programme ‘Fundamental Rights and Justice’ (OJ L 257, 3.10.2007, p. 23),

▼ **M209**

- **32007 D 1350**: Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-2013) (OJ L 301, 20.11.2007, p. 3),

▼ **M292**

- **32014 R 0282**: Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014 on the establishment of a third Programme for the Union's action in the field of health (2014-2020) and repealing Decision No 1350/2007/EC (OJ L 86, 21.3.2014, p. 1).

The costs incurred for activities the implementation of which starts after 1 January 2014, may be considered eligible as from the beginning of the action under the grant agreement or the grant decision concerned provided that Decision of the EEA Joint Committee No 253/2014 of 13 November 2014 enters into force before the end of the action.

Liechtenstein shall be exempted from the participation in, and the financial contribution to, this programme.

▼ **M300**

- **32013 D 1082**: Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (OJ L 293, 5.11.2013, p. 1).

Liechtenstein shall bear all its costs stemming from its involvement in the activities under Decision No 1082/2013/EU. If and when Liechtenstein becomes a participant in the third Programme for the Union's action in the field of health (2014-2020) as established by Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014, the usual provisions on reimbursement of costs will apply.

▼ **M120**▼ **M17**

► **M120** 2. ◀ The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 1 in accordance with Article 82 (1) (a) of the Agreement.

► **M120** 3. ◀ The EFTA States shall participate fully in the EC committees which assist the Commission in the management, development and implementation of the programmes and actions referred to in paragraph 1.

▼ **M159**

4. (a) The EFTA States shall participate fully in the European Centre for disease prevention and control, hereinafter referred to as the 'Centre', as set up by the following Community act:
- **32004 R 0851**: Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control (OJ L 142, 30.4.2004, p. 1).
- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The EFTA States shall participate fully in the Management Board and shall have the same rights and obligations within it as EU Member States, except for the right to vote.
- (d) The EFTA States shall participate fully in the Advisory Forum and shall have the same rights and obligations within it as EU Member States.
- (e) EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol.
- (f) By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Agency.
- (g) By virtue of Article 79(3) of the Agreement Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (h) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Centre regarding the EFTA States as well.

▼ **M37***Article 17*▼ **M177****Telematic interchange of data**▼ **M37**

1. ► **M177** The EFTA States shall, as from 1 January 1997, participate in the projects and activities of the Community programmes referred to in ► **M236** paragraph 6(a) ◀, in accordance with the Work programme in Appendix 3 to this Protocol, and as from 1 January 2006 shall participate in the projects and activities of the Community programme referred to in ► **M236** paragraph 6(b) ◀, to the extent that these projects and activities support other cooperation of the Contracting Parties. ◀

▼ **M236**

The EFTA States shall, as from 1 January 2010, participate in the projects and activities of the programme of the Union referred to in paragraph 6(c), to the extent that these projects and activities support other cooperation of the Contracting Parties.

▼ **M37**

2. The EFTA States shall contribute financially to the ► **M177** programmes ◀ referred to in ► **M236** paragraph 6 ◀ in accordance with Article 82(1)(a) of the Agreement.



▼ M37

3. The EFTA States shall, as from the start of cooperation in the programme referred to in ► M236 paragraph 6(a) ◀, participate fully in the EEA-relevant parts of the Telematics in Administration Committee (TAC) which assists the European Commission in the implementation, management and development of that programme, as far as the EEA-relevant project parts of the programme are concerned.

▼ M177

4. The EFTA States shall, as from the start of cooperation in the programme referred to in ► M236 paragraph 6(b) ◀, participate fully, without the right to vote, in the EEA relevant parts of the Pan-European eGovernment Services Committee (PEGSCO), which assists the European Commission in the implementation, management and development of that programme, as far as the EEA relevant project parts of the programme are concerned.

▼ M236

5. The EFTA States shall, as from the start of cooperation in the programme referred to in paragraph 6(c), participate fully, without the right to vote, in the EEA relevant parts of the Committee on interoperability solutions for European public administrations (the ISA Committee), which assists the European Commission in the implementation, management and development of that programme, as far as the EEA relevant project parts of the programme are concerned.

► M236 6. ◀ ► M88 The following Community acts are the object of this Article: ◀

▼ M177

(a) with a view to participation as from 1 January 1997:

▼ M37

— **395 D 0468**: Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) (OJ L 269, 11. 11. 1995, p. 23),

▼ M88

— **399 D 1719**: Decision No 1719/1999/EC of the European Parliament and of the Council of 12 July 1999 on a series of guidelines, including the identification of projects of common interest, for trans-European networks for the electronic interchange of data between administrations (IDA) (OJ L 203, 3.8.1999, p. 1), ► M127 as amended by:

— **32002 D 2046**: Decision No 2046/2002/EC of the European Parliament and of the Council of 21 October 2002 (OJ L 316, 20.11.2002, p. 4), ◀

▼ M146

— **32004 D 0787**: Decision No 787/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 12),

▼ M168

— **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1),

▼ M88

- **399 D 1720**: Decision No 1720/1999/EC of the European Parliament and of the Council of 12 July 1999 adopting a series of actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) (OJ L 203, 3.8.1999, p. 9), ► M127 as amended by:
- **32002 D 2045**: Decision No 2045/2002/EC of the European Parliament and of the Council of 21 October 2002 (OJ L 316, 20.11.2002, p. 1), ◀

▼ M146

- **32004 D 0786**: Decision No 786/2004/EC of the European Parliament and of the Council of 21 April 2004 (OJ L 138, 30.4.2004, p. 7),

▼ M168

- **32004 R 0885**: Council Regulation (EC) No 885/2004 of 26 April 2004 (OJ L 168, 1.5.2004, p. 1).

▼ M177

(b) with a view to participation as from 1 January 2006:

- **32004 D 0387**: Decision 2004/387/EC of the European Parliament and of the Council of 21 April 2004 on the interoperable delivery of pan-European eGovernment services to public administrations, businesses and citizens (IDABC) (OJ L 144, 30.4.2004, p. 65), as corrected by OJ L 181, 18.5.2004, p. 25,

▼ M214

- **32008 D 0049**: Commission Decision 2008/49/EC of 12 December 2007 concerning the implementation of the Internal Market Information System (IMI) as regards the protection of personal data (OJ L 13, 16.1.2008, p. 18).

▼ M236

(c) with a view to participation as from 1 January 2010:

- **32009 D 0922**: Decision No 922/2009/EC of the European Parliament and of the Council of 16 September 2009 on interoperability solutions for European public administrations (ISA) (OJ L 260, 3.10.2009, p. 20).

▼ M58

*Article 18*

**Exchange between administrations of national officials**

1. The EFTA States shall, as from 1 January 1999, participate in the EEA relevant parts of the Community action plan and programme referred to in paragraph 4.
2. The EFTA States shall contribute financially to the action plan and programme referred to in paragraph 4 in accordance with Article 82(1)(a) of the Agreement.
3. The EFTA States shall, as from the start of cooperation in the action plan and programme referred to in paragraph 4, participate fully in the Community committee which assists the Commission in the management or development of the action and programme, to the extent that the Committee is called upon to consider matters falling within the scope of the Agreement.

**▼ M58**

4. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

- **392 D 0481**: Council Decision 92/481/EEC of 22 September 1992 on the adoption of an action plan for the exchange between Member State administrations of national officials who are engaged in the implementation of Community legislation required to achieve the internal market (OJ L 286, 1.10.1992, p. 65), as amended by:
- **398 D 0889**: Decision No 889/98/EC of the European Parliament and of the Council of 7 April 1998 (OJ L 126, 28.4.1998, p. 6).

**▼ M65***Article 19***Reduction of economic and social disparities**

1. The Contracting Parties shall strengthen their cooperation in reducing the economic and social disparities in the EEA through a financial contribution by the EEA EFTA States. For that purpose, a financial instrument shall be established for the period 1999 to 2003.
2. By virtue of Article 82(1)(c) of the Agreement, and subject to the modalities set out in Appendix 4 to this Protocol, the EEA EFTA States shall contribute the amount of EUR 119,6 million to the cooperation set out in paragraph 1. This contribution shall be made available for commitment in five equal annual tranches.

▼ **M13***Appendix 1 to Protocol 31***HELIOS II — WORK PROGRAMME**

1995

**1. CONSULTATIVE BODIES <sup>(1)</sup>**

Full participation on the same conditions as EC Member States, except in respect of voting procedures (if any) and those matters dealt with in the 'Budgetary Aspects' section of this Work Programme.

**1.1. ADVISORY COMMITTEE — three meetings**

— two government representatives from each EFTA State.

**1.2. EUROPEAN DISABILITY FORUM — three meetings**

— twelve existing European NGOs to represent the interests of disabled people and disability organizations in EFTA States,

— two existing representatives of social partners to represent the interests of social partners in EFTA States,

— one representative of national NGO or National Council of Disabled People nominated by each EFTA State.

**1.3. LIAISON GROUP — three meetings**

— one government representative from each EFTA State,

— one person to represent EFTA National NGOs and National Councils of Disabled People who are members of the Forum.

**2. WORKING GROUPS <sup>(2)</sup>**

Full participation on the same conditions as EC Member States, except in respect of voting procedures (if any) and those matters dealt with in the 'Budgetary Aspects' section of this Work Programme.

**2.1. HANDYNET TECHNICAL COORDINATION GROUP — three meetings**

— one representative from each National Coordination Centre (NCC).

**2.2. HANDYNET STUDY GROUP ON THESAURUS — three meetings**

— one representative from each EFTA State.

**2.3. HELIOS WORKING GROUP ON INTEGRATED EDUCATION — three meetings**

— two government representatives from each EFTA State.

**2.4. HELIOS WORKING GROUP ON EMPLOYMENT — three meetings**

— one government representative from each EFTA State.

<sup>(1)</sup> Council Decision 93/136/EEC of 25 February 1993 establishing a third Community Action Programme to assist disabled people (OJ No L 56, 9. 3. 1993, p. 30).

<sup>(2)</sup> Council Decision 94/782/EC of 6 December 1994 concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module (OJ No L 316, 9. 12. 1994, p. 42).

**▼ M13****2.5. HELIOS WORKING GROUPS ON AN INDEPENDENT WAY OF LIFE**— **Sport** — two meetings

two representatives of the National Committee for Sport for Disabled People in each EFTA State.

— **Mobility and Transport** — two meetings

two government representatives from each EFTA State.

— **Tourism** — two meetings

three representatives from NGOs/Tourism organizations in each EFTA State.

**3. EXCHANGE ACTIVITIES <sup>(1)</sup>**

3.1. Commission to provide each EFTA State with information about priority themes, work relating to them and results.

3.2. EFTA States to be invited to nominate participants in the seminars/conferences which will be held for representatives of the 'Activities' to draw conclusions from their work during the year.

3.3. Planning and preparation for involvement of 'Activities' in EFTA States in programme from 1 January 1996, including:

(a) Nomination of 'Activities' by EFTA States' Governments by 30 September 1995 — four sectors: Functional Rehabilitation, Educational Integration, Economic Integration, Social Integration/Independent Way of Life (Number of 'Activities' to be agreed).

(b) Initial meeting (symposium) for 'Activities' in each sector and decisions on involvement in particular themes.

**4. HANDYNET <sup>(1)</sup>**

Full participation on the same conditions as EC Member States with the objective of the database containing full information relevant to all EFTA States by 1 January 1996:

— NCCs to collect data and transfer it to Helios Team of Experts.

— Helios Team of Experts to incorporate data in CD-ROM; and supply updated CD-ROMs (three times during the year) — free of charge to NCCs and Data Collection (DCCs).

— Information and Advisory Centres (IACs) to provide access to information on CD-ROM to disabled people, through networks, etc.

**5. COOPERATIONS WITH NGOs <sup>(1)</sup>**

5.1. Commission to provide each EFTA State with information about the subjects and timing of events which are organized by NGOs and which receive a subsidy (up to 50 %, and subject to a ceiling) from the Helios II Programme (Europrogrammes proposed by each of the twelve European NGOs on the Forum).

<sup>(1)</sup> Council Decision 93/136/EEC of 25 February 1993 establishing a third Community Action Programme to assist disabled people (OJ No L 56, 9. 3. 1993, p. 30).

**▼ M13**

- 5.2. Representatives from EFTA States, NGOs, etc, to be invited to attend events which are not restricted to a particular organization or organizations.
- 5.3. European NGOs to consider requests for events to be organized and held in EFTA States to be included in Europrogrammes for 1996 and to present an opinion to the Commission for final decision. (Europrogramme events receive subsidies of up to 50 % of total cost subject to a ceiling).

**6. PUBLIC AWARENESS**

- 6.1. Commission to distribute Helioscope (Helios Review), Helios Flash and other documentation to organizations and individuals within EFTA States on demand.
- 6.2. Annual day for disabled people (3 December) — organizations and individuals in EFTA States to be invited to participate in European level events.
- 6.3. Helios Competition and Prizes — participation in the annual conference.
- 6.4. Information stands (conferences, fairs, etc.)

Venues in EFTA States to be considered for inclusion in annual programme.

- 6.5. Helios National Information Day.

1996

**1 & 2. CONSULTATIVE BODIES and WORKING GROUPS**

Participation as for 1995, but Commission to pay expenses for participants on following basis:

- Government representatives — travel costs,
- others — travel costs, subsistence allowance, and allowance for incidental expenses.

Where a participant is accompanied by another person because of his or her disability that person's costs will be met on the same basis as those of the participant.

**3. EXCHANGE ACTIVITIES**

Full participation on the same conditions as EC Member States, including participation by representatives of nominated 'Activities' in:

- study visits, training sessions etc. organized to pursue specific themes — all costs to be met by Commission subject to a maximum amount for each 'Activity', and
- seminars/conferences held at end of year. All costs to be met by the Commission.

**4. HANDYNET**

As for 1995.

**5. COOPERATION WITH NGOs**

Full participation on the same conditions as EC Member States, including:

**▼ M13**

- 5.1. National NGOs and National Councils of Disabled People who are members of the Forum:
- to organize a national conference with a European dimension on a Helios II Priority Theme — Commission to pay 50 % of costs subject to a ceiling,
  - to participate in National Information Day — Commission to pay 100 % of costs subject to a ceiling.
- 5.2. European NGOs — Europrogrammes to include events organized and held in EFTA States.
6. **PUBLIC AWARENESS**
- 6.1. As for 1995.
- 6.2. Helios Competition and Prizes:
- one member of jury to be appointed by each EFTA State,
  - projects by organizations in EFTA States to be eligible for prizes,
  - full participation in annual conference with costs to be met on same basis as for EC Member States.

**HELIOS II — WORK PROGRAMME****BUDGETARY ASPECTS**

1995

No direct contribution to the budget of the EC.

EFTA States pay:

- all their own costs relating to their participation,
- all costs that relate to necessary services provided by the Helios Team of Experts such as salaries, travel and equipment costs incurred by the experts in consequence of the extension of the programme to the EFTA States,
- all costs related to additional staff appointed specifically to assist with the participation of the EFTA States.

Proposals for additional staff:

- two experts to be appointed to the Helios team of experts in Brussels to assist with activities relating to Handynet; one secretary to be appointed to support them.

*Note:*

Preparations by budget experts of the EC and the EFTA States for the 1996 financial year will take place in the first half of 1995 following the procedure in Protocol 32 of the Agreement. These discussions will lead to final decisions on the financial contribution of the EFTA States to the general budget of the EC, and will also cover the question of additional staff.

1996

Full contribution to the budget of the EC (in accordance with Article 82 (1) (a) of the Agreement).

▼ **M22**

*Appendix 2 to Protocol 31*

1. The EFTA States shall participate in the medium-term Community action programme on equal opportunities for men and women (1 January 1996 to 31 December 2000).
2. The EFTA States shall contribute financially to the programme in accordance with Article 82 (1) (a) of the Agreement.
3. The EFTA States shall participate fully in the EC committees which assist the Commission in the management, development and implementation of the action programme referred to in paragraph 1.



▼ **M37***Appendix 3 to Protocol 31***Telematic interchange of data between administrations (IDA) Work programme**

The EFTA States shall participate only in the following projects and activities resulting from Article 2 of Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA):

- Practical introduction of electronic mail on the basis of X.400
- Horizontal activities — (architecture, generic services, TESTA)
- Horizontal action — interoperability between national telematic systems
- Horizontal actions — generic services — monitoring of market offers
- Horizontal activities — information content interoperability
- Horizontal activities — legal and security aspects
- IDA awareness and promotion activities
- Horizontal activities — quality control and project support
- TESS (telematics for social security) = SOSENET (social security network)
- EURES (European employment services)

The possible participation by Liechtenstein shall be examined at the end of 1997, subject to the result of the joint review to which reference is made in Article 9 of Protocol 15 to the Agreement.

- EUPHIN — European Union public health information network
- ANIMO (animal movement)

Norway and Iceland shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement. The possible participation by Liechtenstein shall be examined at the end of 1998.

- Physan — common catalogues of varieties
- Physan — Europhyt

The EFTA States shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

**▼ M37**

- SHIFT (system to assist the health controls of imports of items at frontier inspection posts from third countries)

Norway and Iceland shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

The possible participation for Liechtenstein shall be examined at the end of 1998.

- ITCG (illegal traffic of cultural goods)
- SIMAP (information system for public procurement)
- TARIC (integrated tariff of the community)
- EBTI (European binding tariff info)
- Transit (Community/common)
- CCN/CSI (common communications network)
- EIONET (European environment agency network)
- EMEA (European medicine evaluation agency network)

The EFTA States shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

- DSIS (distributed statistical information services)
- Extracom
- SERT (statistiques d'entreprises et réseaux télématiques)
- Statel — generic services (horizontal activities).

**▼ M88****I. PROJECTS OF COMMON INTEREST****▼ M127**

The EFTA States shall participate in the following projects of common interest in the sphere of trans-European networks for the interchange of data between administrations, resulting from Article 3(1) of Decision No 1719/1999/EC of the European Parliament and of the Council, as amended.

**▼ M88****A. IN GENERAL**

- Implementation of those networks required for the functioning of the European agencies and bodies and in support of the legal framework arising from the creation of the European agencies.

**▼ M88**

- Implementation of networks in the fields of policies related to the free movement of persons, in so far as they are required to support the action of the Contracting Parties to the present Agreement under that Agreement.
- Implementation of those networks which, within the framework of the present Agreement and in unforeseen circumstances, are urgently required to support the action of the Contracting Parties to the present Agreement, *inter alia*, in protecting the life and health of humans, animals and plants, the rights of European consumers, the living conditions of persons in the European Economic Area, or the fundamental interests of the Contracting Parties.

**▼ M127**

- Implementation of networks which facilitate the cooperation between judicial authorities (this applies only for Iceland and Norway).

**▼ M88****B. SPECIFIC NETWORKS SUPPORTING EMU AND COMMUNITY POLICIES AND ACTIVITIES**

- Telematic networks concerning Community funding, notably to create an interface to existing Commission databases in order to facilitate the access of European organisations, and particularly SMEs, to Community sources of funding.
- Telematic networks in the area of statistics, notably regarding the collection and dissemination of statistical information.
- Telematic networks in the area of publication of official documents.
- Telematic networks in the industry sector, notably concerning the exchange of information between administrations in charge of industrial affairs, and between such administrations and industry federations, for the exchange of data regarding automobile type-approved data interchange between administrations, as well as services to simplify and improve the process of administrative form filling.
- Telematic networks concerning competition policy, notably through the implementation of improved electronic data exchange with the national administrations in order to facilitate information and consultation procedures.

**▼ M127**

- Telematic networks in the areas of education and culture, information, communication and audiovisual sector, notably for the exchange of information concerning content issues on open networks and to promote the development and free circulation of new audiovisual and information services.

**▼ M88**

- Telematic networks in the transport sector, notably for the support of the exchange of data concerning drivers, vehicles and transport operators.

**▼ M127**

- Telematic networks in the areas of tourism, environment, consumer protection and public health protection for the support of information exchange between the Contracting Parties to the present Agreement.
- Telematic networks contributing to the objectives of the e-Europe initiative and related action plan, in particular the chapter on government online, aimed at benefiting citizens and enterprises.

**▼ M127**

- Telematic networks concerning immigration policy, notably through the implementation of improved electronic data exchange with the national administrations in order to facilitate information and consultation procedures (this applies only for Iceland and Norway).

**▼ M88****C. INTERINSTITUTIONAL NETWORKS**

- Telematic networks in support of the interinstitutional exchange of information, notably:
  - in facilitation of multilingualism in interinstitutional information exchanges, means of translation workflow management and translation support tools, the sharing/exchanging of multilingual resources, and the organisation of common access to terminology databases, and
  - for document sharing between European agencies and bodies and the European institutions.

**D. GLOBALISATION OF IDA NETWORKS**

- Extension of IDA networks to the EEA, EFTA, CEECs and other associated countries, as well as to G7 countries and international organisations, in particular regarding the social security, healthcare, pharmaceutical and environmental networks.

**II. HORIZONTAL ACTIONS AND MEASURES**

The EFTA States shall participate in the following horizontal actions and measures in order to ensure interoperability of and access to trans-European networks for the electronic interchange of data between administrations (IDA) and resulting from Article 3(1) of Decision No 1720/1999/EC of the European Parliament and of the Council:

- generic services,
- common tools and techniques,
- information content interoperability,
- reference legal and security practices,
- quality assurance and control,
- interoperability with national and regional initiatives,
- spread of best practice.

▼ **M65***Appendix 4 to Protocol 31***EEA FINANCIAL INSTRUMENT****Modalities of implementation**1. *Definitions*

In what follows:

1. 'The Beneficiary State' is a State that receives funding from the EEA EFTA States according to Decision No 47/2000 of the EEA Joint Committee of 22 May 2000. The Beneficiary State is represented by an authority to be nominated, charged with the management of the EEA EFTA funding in the country and with entering into contracts on projects with the Committee. The financial responsibility to the EEA EFTA States rests with the Beneficiary State.
2. The 'Project Promoter' is the body that sets up the project. The grants are paid to the project promoter via the beneficiary State.
3. 'The Committee' is the body set up by the EEA EFTA States to carry out the functions outlined in point 7.
4. 'The monitoring agent' is an independent body that, on the basis of an agreement with the beneficiary State, monitors the progress of the project and reports to the beneficiary State and the Committee. The monitoring agent is appointed by the beneficiary State on the basis of a proposal or an assessment and agreement of the European Investment Bank (EIB) and with the consent of the Committee.

2. *The beneficiary States*

The beneficiary States and their shares of the funds shall be as in the table below:

*(in EUR)*

Country	1999	2000 to 2003	Total
Spain	10 859 680	59 321 600	70181280
Portugal	5 023 200	16 265 600	21288800
Greece	5 812 560	16 265 600	22078160
Ireland	1 698 320	3 827 200	5525520
UK (Northern Ireland)	526 240	0	526240
Total	23 920 000	95 680 000	119600000

3. *Form of assistance*

The assistance shall be entirely in the form of grants. A beneficiary State may, however, present proposals to the Committee to use parts of its share for the reduction of the interest costs of projects mainly financed by loans. Any such support will also be given in the form of grants.

The EEA EFTA contribution shall not exceed 50 % of the project cost, except in projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of total cost. Community ceilings for co-financing shall not be exceeded in any case.

▼ **M65**

The responsibility of the EEA EFTA States for the projects is limited to providing funds according to the agreed plan, provided that the monitoring reports confirm project implementation in accordance with the project proposal.

## 4. Eligible activities

Funding shall be available for projects in the areas of environment, including urban renewal, reduction of urban pollution and securing the European cultural heritage, transport, including infrastructure, and education and training, including academic research. The Contracting Parties agree to aim at allocating at least two thirds of the overall amount to projects in the area of environment, as defined above.

## 5. Projects

The total amount of EUR 119,6 million shall be made available for commitment at the rhythm of 20 % per year commenced cumulatively as of 1999. Different parts of large projects can be separately presented for financing and the Committee will consider each project proposal on its own merits.

## 6. Monitoring requirements

A monitoring plan is established for each project together with the project plan and schedule, the budget and the payment schedule. It shall identify the crucial points in the project. The monitoring agent reports at important stages of the project, in accordance with the established plan, normally at least once a year, to the beneficiary State and the Committee, giving, *inter alia*, the following information:

- fulfilment of formal requirements relating to tendering and procurement of permits and certifications,
- project progress compared with the original plan,
- deviations, if any, in relation to, *inter alia*, budgets, disbursement schedules, contracts, physical implementation, completion date. Repercussions for the project's scope, expected benefits and time of completion. Measures taken to mitigate the consequences of deviations, when appropriate,
- accounts of the project,
- whether the advancement of the project meets the requirements for the payment of the next instalment.

If the report does not correspond to the agreed plan, the Committee may ask the beneficiary State for complementary information. Questions limited to clarification and requests for information that is missing in the report may be addressed to the monitoring agent, with the beneficiary State being kept duly informed. The Committee may decide not to authorise further payments until the report corresponds to the agreement. The EEA EFTA States may audit projects as specified in point 10(13).

## 7. Organisational set-up

The EFTA States shall establish a Committee that shall:

- approve the projects for funding,
- approve the monitoring and payment plan for every project,

**▼ M65**

- supervise the overall functioning of the assistance, notably on the basis of the monitoring reports,
- authorise payments to the beneficiaries according to the payment plan, on the basis of the monitoring reports.

The EIB shall:

- appraise the proposed projects and report to the beneficiary State,
- propose, or assess and agree to, monitoring agents in the beneficiary States, to be approved by the Committee and the beneficiary State.

The beneficiary States shall:

- receive and endorse the projects to be financed,
- present the projects to the EIB for appraisal and, subsequently, to the Commission and to the Committee, with the appraisal of the EIB.

The Commission shall:

screen the proposed projects for their compatibility with Community objectives and, notably, rules for co-financing. In the latter scrutiny the EEA EFTA contributions shall be assimilated to Community financing.

the monitoring agents shall:

- monitor the projects according to a reporting plan annexed to the approved project plan,
- report to the beneficiary State and to the Committee.

#### 8. Language regime

The official languages of the EEA Agreement can be used. All documents submitted to the Committee must be provided by the beneficiary State/project promoter in English translation.

#### 9. Financial arrangements

The EEA EFTA States shall add a provision for appraisal and monitoring of 0,5 % to each payment to the beneficiary States, over and above the amount to be drawn on the agreed fund of EUR 119,6 million. All parties shall pay their own administrative costs.

The EIB, acting as a consultant to the project promoters/beneficiary States, shall charge a fee to its principals for its services.

The EEA EFTA States shall implement an appropriate financial management. Payments to the beneficiary States shall be made on the basis of orders of the Committee, which shall ensure timely execution. The accrued interest on the funds before the payment to beneficiaries belongs to the fund providers.

#### 10. Short process description

1. The project promoter proposes a project outline to the beneficiary State.
2. The beneficiary State proposes the project outline to the Commission and the Committee in pre-consultation to validate the idea.

**▼ M131**

The Committee may waive the requirement of pre-consultation, following a reasoned request from the beneficiary State and based on objective criteria.

**▼ M65**

3. ► **M131** In case of a positive outcome of the pre-consultation or in case such pre-consultation has been waived, the project promoter asks the EIB to appraise the project. ◀ The appraisal shall cover technical, economic, financial, and managerial aspects of the proposal.
4. The project promoter submits the project plan, including budget, schedule, payment plan, monitoring plan and the EIB appraisal report, to the beneficiary State.
5. The beneficiary State submits the project with the documents mentioned in point 4 to the Commission for clearance on eligibility.
6. The beneficiary State submits the project with the documents mentioned in point 4 simultaneously to the Committee for approval.
7. The Committee may ask for supplementary information or propose a revision to the project plan, notably to its monitoring/payment plan. The Committee approves the (revised) project or gives a reasoned refusal. If approved, a commitment letter specifying relevant conditions is sent to the beneficiary State.
8. A contract is signed between the monitoring agent and the beneficiary State, based on the monitoring plan.
9. A contract is signed between the project promoter and the beneficiary State, and a grant agreement is signed between the beneficiary State and Committee.
10. The first instalment of 10 % is paid to the beneficiary State on the project promoter's signature of the contract with the contractor. Later instalments will take place according to the payment plan on a pro rata basis reflecting actual project implementation subsequent to a satisfactory monitoring report and approval by the Committee.
11. The project promoter carries out the project and the monitoring agent reports to the beneficiary State and the Committee.
12. If payments cannot be executed according to the plan, consultations may take place between the beneficiary State and the Committee.
13. If the Committee or the EFTA Board of Auditors wish to obtain information beyond that provided for in the monitoring plan, they may conduct their own audit or hire at their own cost an external auditor to audit the project. The beneficiary State may accompany the auditor. The project promoter and any other entity managing the project on his behalf should grant the auditor the same access to information as they would grant to their national authorities or their own auditors, as appropriate.
14. When the monitoring plan so requires, the monitoring Agent shall produce a project completion report or an evaluation report.



▼ **M65**

11. Concluding remarks

Except when called for by changed circumstances, the operation of the new Financial Instrument will be conducted along the same lines as those followed in the administration of the outgoing financial mechanism. Supplementary documents may be established as appropriate.

▼ B**PROTOCOL 32****on financial modalities for implementation of Article 82**▼ M215*Article 1***Procedure for the determination of the financial participation of the EFTA States for each financial year (n)**

1. At the latest by 31 January of each year (n-1), the European Commission shall communicate to the Standing Committee of the EFTA States the financial programming document covering the activities to be implemented for the remaining period of the relevant Multiannual Financial Framework and giving the indicative commitment appropriations foreseen for these activities.

2. The Standing Committee of the EFTA States shall communicate to the European Commission at the latest by 15 February of the year (n-1), a list of Community activities which the EFTA States wish, for the first time, to include in the EEA Annex to the preliminary draft budget of the European Union for the financial year (n). The list shall be without prejudice to new proposals that are introduced by the Community during the year (n-1) and without prejudice to the final position adopted by the EFTA States as regards their participation in these activities.

3. At the latest by 15 May of each year (n-1), the European Commission shall communicate to the Standing Committee of the EFTA States its position concerning the requests of the EFTA States to participate in activities during the financial year (n), together with the following information:

- (a) the indicative amounts entered 'for information' as commitment and payment appropriations, in the statement of expenditure of the preliminary draft budget of the European Union for the activities in which the EFTA States are taking part or have indicated a wish to take part and calculated in accordance with the provisions of Article 82 of the Agreement;
- (b) the estimated amounts corresponding to the contributions of the EFTA States, entered 'for information' in the statement of revenue of the preliminary draft budget.

The position of the European Commission shall be without prejudice to the possibility of continuing discussions on activities for which it has not accepted the participation of the EFTA States.

4. In the event that the amounts referred to in paragraph 3 are not in accordance with the provisions of Article 82 of the Agreement, the Standing Committee of the EFTA States may request corrections before 1 July of the year (n-1).

5. The amounts referred to in paragraph 3 shall be adjusted following the adoption of the general budget of the European Union, with due respect to the provisions of Article 82 of the Agreement. These adjusted amounts shall be communicated to the Standing Committee of the EFTA States without delay.

6. Within a period of 30 days following the publication of the general budget of the European Union in the *Official Journal of the European Union*, the Chairs of the EEA Joint Committee shall confirm, by an exchange of letters initiated by the European Commission, that the amounts entered in the EEA Annex to the general budget of the European Union are in accordance with the provisions of Article 82 of the Agreement.

**▼ M215**

7. At the latest by 1 June of the financial year (n), the Standing Committee of the EFTA States shall communicate to the European Commission the final breakdown of the contribution for each EFTA State. This breakdown shall be binding.

Should this information not be provided by 1 June of the financial year (n), the percentages of the breakdown implemented during the year (n-1) shall apply on a provisional basis. The adjustment shall be made according to the procedure set out in Article 4.

8. If, by 10 July of the financial year (n) at the latest, unless a later date is agreed upon in exceptional circumstances, a decision of the EEA Joint Committee establishing the participation of the EFTA States in an activity included in the EEA Annex to the general budget of the European Union for the financial year (n) is not adopted, or if the fulfilment of constitutional requirements for such a decision, if any, is not notified by that date at the latest, the participation of the EFTA States in the activity in question shall be deferred to the year (n+1), unless otherwise agreed.

9. Once the participation of the EFTA States in an activity is established for a financial year (n), the financial contribution of the EFTA States shall apply to all the transactions that are made on the relevant budget lines in that financial year, unless otherwise agreed.

*Article 2***Making available the contributions of the EFTA States**

1. On the basis of the EEA Annex to the general budget of the European Union, finalised in accordance with Articles 1(6) and 1(7), the European Commission shall establish, for each EFTA State, a call for funds calculated on the basis of the payment appropriations and in accordance with Article 71(2) of the Financial Regulation <sup>(1)</sup>.

2. This call for funds shall reach the EFTA States no later than 15 August of the financial year (n) and shall request the payment by each EFTA State of its contribution by 31 August of that year (n) at the latest.

If the general budget of the European Union is not adopted before 10 July of the financial year (n) or the date agreed upon pursuant to Article 1(8) in exceptional circumstances, the payment shall be requested on the basis of the indicative amount foreseen in the preliminary draft budget. The adjustment shall take place according to the procedure set out in Article 4.

3. Contributions shall be expressed and paid in EUR.

4. To this end, each EFTA State shall open with its Treasury, or the body it shall designate for this purpose, an account in EUR on behalf of the European Commission.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

**▼ M215**

5. Any delay in the entries in the account referred to in paragraph 4 shall give rise to the payment of interest by the EFTA State concerned at the rate applied by the European Central Bank for its main refinancing operations in EUR, plus one and a half percentage points. The reference rate shall be the rate in force on 1 July of that year, as published in the C series of the *Official Journal of the European Union*.

*Article 3***Conditions for implementation**

1. The utilisation of the appropriations arising from the participation of the EFTA States shall be in accordance with the provisions of the Financial Regulation.

2. With regard to tendering procedures, calls for tender shall be open to all EC Member States as well as to all EFTA States in so far as they involve financing on budgetary lines in respect of which the EFTA States are participating.

*Article 4***Regularisation of EFTA contribution in the light of implementation**

1. The contribution of the EFTA States, determined for each budgetary line concerned, in accordance with the provisions of Article 82 of the Agreement, shall remain unchanged during the financial year (n) in question.

2. Following the closure of the accounts relating to each financial year, the European Commission shall, within the framework of the establishment of the annual accounts in the year (n+1), calculate the budget outturn of the EFTA States, taking into account:

- (a) the amount of the contributions paid by the EFTA States in accordance with Article 2;
- (b) the amount of the EFTA States' share in the total implementation figures of budget appropriations on the budget lines for which the participation of the EFTA States was agreed; and
- (c) any sums covering Community-related expenditure which the EFTA States cover individually or payments made by EFTA States in kind (e.g. administrative support).

3. All sums recovered from third parties under each budget line for which the participation of the EFTA States was agreed shall be treated as assigned revenues within the same budget line in accordance with Article 18(1)(f) of the Financial Regulation.

4. The regularisation of the contribution of the EFTA States for the financial year (n), based on the budget outturn, shall be made within the framework of the call for funds for the financial year (n+2) and be based on the final breakdown between the EFTA States in the year (n).

**▼ M215**

5. Complementary rules for the implementation of paragraphs 1 and 4 shall be adopted as necessary by the EEA Joint Committee. This shall apply in particular for Community expenditure to be borne by each EFTA State individually or for their in kind contributions.

*Article 5***Information**

1. The European Commission shall provide the Standing Committee of the EFTA States, at the end of each quarter, with an extract from its accounts showing, with regard both to receipts and expenditure, the situation concerning the implementation of the programmes and other actions in which the EFTA States participate financially.

2. Following the closure of the financial year (n), the European Commission shall communicate to the Standing Committee of the EFTA States the data concerning the programmes and other actions in which the EFTA States participate financially, which appear in the relevant volume of the annual accounts drawn up in accordance with the provisions of Articles 126 and 127 of the Financial Regulation.

3. The European Commission shall provide the Standing Committee of the EFTA States with such other financial information as the latter may reasonably request as regards the programmes and other actions in which they participate financially.

*Article 6***Control**

1. The control of the determination and of the availability of all income as well as the control of the commitment and of the scheduling of all expenditure corresponding to the participation of the EFTA States shall take place in accordance with the provisions of the Treaty establishing the European Community, of the Financial Regulation and of the applicable regulations in the fields referred to in Articles 76 and 78 of the Agreement.

2. Appropriate arrangements shall be established between the auditing authorities of the European Commission and of the EFTA States with a view to facilitating the control of income and expenditure corresponding to the participation of EFTA States in Community activities in accordance with paragraph 1.

*Article 7***GDP figure to be taken into consideration to calculate the proportionality factor**

The GDP data at market prices referred to in Article 82 of the Agreement shall be those published as a result of the implementation of Article 76 of the Agreement.

**▼B****PROTOCOL 33****on arbitration procedures**

1. If a dispute has been referred to arbitration there shall be three arbitrators, unless the parties to the dispute decide otherwise.
2. The two sides to the dispute shall each, within 30 days, appoint one arbitrator.
3. The arbitrators so designated shall nominate by consensus one umpire, who shall be a national of one of the Contracting Parties other than those of the arbitrators designated. If they cannot agree within two months of their appointment, the umpire shall be chosen by them from seven persons on a list established by the EEA Joint Committee. The Joint Committee shall establish and keep under review this list in accordance with the rules of procedure for the Committee.
4. Unless the Contracting Parties decide otherwise, the arbitration tribunal shall adopt its rules of procedure. It takes its decisions by majority.

**▼B****PROTOCOL 34****on the possibility for courts and tribunals of EFTA States to request the Court of Justice of the European Communities to decide on the interpretation of EEA rules corresponding to EC rules***Article 1*

When a question of interpretation of provisions of the Agreement, which are identical in substance to the provisions of the Treaties establishing the European Communities, as amended or supplemented, or of acts adopted in pursuance thereof, arises in a case pending before a court or tribunal of an EFTA State, the court or tribunal may, if it considers this necessary, ask the Court of Justice of the European Communities to decide on such a question.

*Article 2*

An EFTA State which intends to make use of this Protocol shall notify the Depositary and the Court of Justice of the European Communities to what extent and according to what modalities the Protocol will apply to its courts and tribunals.

*Article 3*

The Depositary shall notify the Contracting Parties of any notification under Article 2.

**▼B**

**PROTOCOL 35**  
**on the implementation of EEA rules**

Whereas this Agreement aims at achieving a homogeneous European Economic Area, based on common rules, without requiring any Contracting Party to transfer legislative powers to any institution of the European Economic Area; and

Whereas this consequently will have to be achieved through national procedures;

*Sole Article*

For cases of possible conflicts between implemented EEA rules and other statutory provisions, the EFTA States undertake to introduce, if necessary, a statutory provision to the effect that EEA rules prevail in these cases.



**▼B****PROTOCOL 36****on the Statute of the EEA Joint Parliamentary Committee***Article 1*

The EEA Joint Parliamentary Committee established by Article 95 of the Agreement shall be constituted and function in accordance with the provisions of the Agreement and this Statute.

*Article 2***▼M135**

The EEA Joint Parliamentary Committee shall consist of twenty-four members.

**▼B**

An equal number of members of the EEA Joint Parliamentary Committee shall be appointed by the European Parliament and by the Parliaments of the EFTA States, respectively.

*Article 3*

The EEA Joint Parliamentary Committee shall elect its President and Vice-President from among its members. The office of President of the Committee shall be held alternately, for a period of one year, by a member appointed by the European Parliament and by a member appointed by a Parliament of an EFTA State.

The Committee shall appoint its bureau.

*Article 4*

The EEA Joint Parliamentary Committee shall hold a general session twice a year, alternately in the Community and in an EFTA State. The Committee shall decide at each session where the next general session shall be held. Extraordinary sessions may be held when the Committee or its bureau so decides in accordance with the rules of procedure of the Committee.

*Article 5*

The EEA Joint Parliamentary Committee shall adopt its rules of procedure with a two-third majority of the members of the Committee.

*Article 6*

The costs for participation in the EEA Joint Parliamentary Committee shall be borne by the Parliament that appointed a member.

**▼ B****PROTOCOL 37****containing the list provided for in Article 101**

1. Scientific Committee for Food (Commission Decision 74/234/EEC)
2. Pharmaceutical Committee (Council Decision 75/320/EEC)
3. Scientific Veterinary Committee (Commission Decision 81/651/EEC)

**▼ M68**

4. ► M245 ► C5 Committee for monitoring the guidelines and exchanging information ◀ ◀ (Decision No 661/2010/EU of the European Parliament and of the Council)

**▼ B**

5. ► M242 Administrative Commission for the coordination of social security systems (Regulation (EC) No 883/2004 of the European Parliament and of the Council) ◀

**▼ M262**  
\_\_\_\_\_**▼ B**

7. Advisory Committee on Restrictive Practices and Dominant Positions (Council Regulation (EEC) 17/62)
8. Advisory Committee on Concentrations (Council Regulation (EEC) 4064/89)

**▼ M202**  
\_\_\_\_\_**▼ M76**

10. Committee for Proprietary Medicinal Products (second Council Directive 75/319/EEC).
11. Committee for Veterinary Medicinal Products (Council Directive 81/851/EEC).

**▼ M249**  
\_\_\_\_\_**▼ M78**

13. Working Party on the Protection of Individuals with regard to the Processing of Personal Data (Directive 95/46/EC of the European Parliament and of the Council).

**▼ M117**

14. Committee for Orphan Medicinal Products (Regulation (EC) No 141/2000 of the European Parliament and of the Council).

**▼ M123**

15. Standing Committee for Biocidal Products (Directive 98/8/EC of the European Parliament and of the Council).

**▼ M133**

16. The Radio Spectrum Policy Group (Commission Decision 2002/622/EC).

**▼ M134**

17. The European Regulators Group for Electronic Communications Networks and Services (Commission Decision 2002/627/EC).

**▼ M199**

18. The expert group on electronic commerce (Commission Decision 2005/752/EC).
19. The i2010 High Level Group (Commission Decision 2006/215/EC).

**▼ M202**

20. The group of coordinators for the recognition of professional qualifications (Commission Decision 2007/172/EC).

**▼ M262****▼ M211**

22. The European Securities Committee (Commission Decision 2001/528/EC).

**▼ M262****▼ M211**

25. The European Insurance and Occupational Pensions Committee (Commission Decision 2004/9/EC).
26. The European Banking Committee (Commission Decision 2004/10/EC).

**▼ M217**

27. Coordination Group for Mutual Recognition and Decentralised procedure (human) (Directive 2001/83/EC of the European Parliament and the Council).
28. Coordination Group for Mutual Recognition and Decentralised procedure (veterinary) (Directive 2001/82/EC of the European Parliament and the Council).

**▼ M219**

29. The Customs Code Committee (Council Regulation (EEC) No 2913/92).

**▼ M250****▼ M229**

32. The Security Board for the European GNSS Systems (Commission Decision 2009/334/EC).

**▼ M237**

33. The Committee of Experts on Posting of Workers (Commission Decision 2009/17/EC).

**▼ M246**

34. The High Level Steering Group on SafeSeaNet (Commission Decision 2009/584/EC).

**▼ M249**

35. The Contact Committee on Audiovisual Media Services (Directive 2010/13/EU of the European Parliament and of the Council).

**▼ M250**

36. The Security Accreditation Board for European GNSS systems (Regulation (EU) No 912/2010).
37. The Administrative Board (Regulation (EU) No 912/2010).

**▼ M260**

38. The European Multi-Stakeholder Forum on Electronic Invoicing (e-invoicing) (Commission Decision 2010/C 326/07).

**▼ M282**

39. The European Regulators Group for Audiovisual Media Services (Commission Decision C(2014)462 of 3 February 2014 on establishing the European Regulators Group for Audiovisual Media Services).

**▼B****PROTOCOL 38****on the Financial Mechanism***Article 1*

1. The Financial Mechanism shall provide financial assistance to the development and structural adjustment of the regions referred to in Article 4, on the one hand, in the form of interest rebates on loans and, on the other hand, in the form of direct grants.

2. The Financial Mechanism shall be financed by the EFTA States. The latter shall extend a mandate to the European Investment Bank, which shall execute this mandate according to the following Articles. The EFTA States shall establish a Financial Mechanism Committee which shall take the decisions required by Articles 2 and 3 as far as interest rebates and grants are concerned.

*Article 2*

1. The interest rebates provided for in Article 1 shall be available in connection with loans granted by the European Investment Bank and denominated, as far as possible, in ECUs.

2. The interest rebate on such loans shall be fixed at ►**M1** two ◀ percentage points, per annum, by reference to European Investment Bank interest rates and shall be available for 10 years in respect of any one loan.

3. There shall be a period of grace of two years before repayment, in equal tranches, of capital commences.

4. The interest rebates shall be subject to approval by the EFTA Financial Mechanism Committee and to the opinion of the EC Commission.

**▼M1**

5. The total volume of loans, which shall be eligible for the interest rebates provided for in Article 1 shall be ECU 1 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force.

**▼B***Article 3***▼M1**

1. The total amount of grants provided for in Article 1 shall be ECU 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force.

**▼B**

2. These grants shall be disbursed by the European Investment Bank on the basis of the proposals from the beneficiary EC Member States and after seeking the opinion of the EC Commission and having the approval of the EFTA Financial Mechanism Committee, which shall be informed throughout the process.

**▼B***Article 4*

1. The financial assistance provided for in Article 1 shall be limited to projects carried out by public authorities and public or private undertakings in Greece, the island of Ireland, Portugal and in those regions of Spain listed in the Appendix. The share of each region in the overall level of financial assistance shall be determined by the Community, which shall inform the EFTA States.
2. Priority shall be given to projects which place particular emphasis on the environment (including urban development), on transport (including transport infrastructure) or on education and training. Among projects submitted by private undertakings, special consideration shall be given to small and medium-sized enterprises.
3. The maximum grant element for any project supported by the Financial Mechanism shall be fixed at a level which is not inconsistent with EC policies in this regard.

*Article 5*

The EFTA States shall make such arrangements with the European Investment Bank and the EC Commission as may be mutually deemed appropriate to ensure the good functioning of the Financial Mechanism. The costs related to the administration of the Financial Mechanism shall be decided in this context.

*Article 6*

The European Investment Bank shall be entitled to attend, as an observer, meetings of the EEA Joint Committee when matters in relation to the Financial Mechanism which concern the European Investment Bank are on the agenda.

*Article 7*

Further provisions for the implementation of the Financial Mechanism may be decided upon by the EEA Joint Committee as necessary.

**▼B**

*Appendix to Protocol 38*

**List of eligible Spanish regions**

Andalucía  
Asturias  
Castilla y León  
Castilla-La Mancha  
Ceuta-Melilla  
Valencia  
Extremadura  
Galicia  
Islas Canarias  
Murcia

▼ **M135****PROTOCOL 38a****on the EEA financial mechanism***Article 1*

The EFTA States shall contribute to the reduction of economic and social disparities in the European Economic Area through the financing of grants to investment and development projects in the priority sectors listed in Article 3.

*Article 2*

The total amount of the financial contribution provided for in Article 1 shall be EUR 600 million, to be made available for commitment in annual tranches of EUR 120 million over the period running from 1 May 2004 to 30 April 2009, inclusive.

*Article 3*

1. The grants shall be available for projects in the following priority sectors:

- (a) protection of the environment, including the human environment, through, inter alia, reduction of pollution and promotion of renewable energy;
- (b) promotion of sustainable development through improved resource use and management;
- (c) conservation of European cultural heritage, including public transport, and urban renewal;
- (d) human resource development through, inter alia, promotion of education and training, strengthening of administrative or public service capacities of local government or its institutions as well as the democratic processes, which support it;
- (e) health and childcare.

2. Academic research may be eligible for funding in so far as it is targeted at one or more of the priority sectors.

*Article 4*

1. The EFTA contribution in the form of grants shall not exceed 60 % of the project cost except in projects otherwise financed by central, regional or local government budget allocations, where the contribution may not exceed 85 % of total cost. Community ceilings for co-financing shall not be exceeded in any case.

2. The applicable rules on state aid shall be complied with.

3. The Commission of the European Communities ► **M187** may ◀ screen the proposed projects for their compatibility with Community objectives.

4. The responsibility of the EFTA States for the projects is limited to providing funds according to the agreed plan. No liability to third parties will be assumed.

▼ **M135***Article 5*

The funds shall be made available to the Beneficiary States (Czech Republic, Estonia, Greece, Spain, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Slovenia and Slovakia) in accordance with the following distribution key:

Beneficiary State	Percentage of Total Contribution
Czech Republic	8,09 %
Estonia	1,68 %
Greece	5,71 %
Spain	7,64 %
Cyprus	0,21 %
Latvia	3,29 %
Lithuania	4,50 %
Hungary	10,13 %
Malta	0,32 %
Poland	46,80 %
Portugal	5,22 %
Slovenia	1,02 %
Slovakia	5,39 %

*Article 6*

With a view to reallocating any non-committed available funds for high priority projects from any Beneficiary State, a review shall be carried out in November 2006 and again in November 2008.

*Article 7*

1. The financial contribution provided for in this Protocol shall be closely coordinated with the bilateral contribution from Norway provided for by the Norwegian Financial Mechanism.
2. In particular, the EFTA States shall ensure that the application procedures are identical for both financial mechanisms referred to in the previous paragraph.
3. Any relevant changes in the Community's cohesion policies shall be taken into account, as appropriate.

*Article 8*

1. The EFTA States shall establish a Committee that will manage the EEA Financial Mechanism.
2. Further provisions for the implementation of the EEA Financial Mechanism will be issued by the EFTA States as necessary.



**▼M135**

3. Management costs shall be covered by the overall amount referred to in Article 2.

*Article 9*

At the end of the five-year period and without prejudice to the rights and obligations under the Agreement, the Contracting Parties will in the light of Article 115 of the Agreement review the need to address economic and social disparities within the European Economic Area.

*Article 10*

If any of the Beneficiary States listed in Article 5 of this Protocol should not become a Contracting Party to the Agreement on 1 May 2004, or if there should be changes in membership in the EFTA pillar of the European Economic Area, this Protocol shall be subject to the necessary adjustments.

▼ **M187****ADDENDUM TO PROTOCOL 38a**

*on the EEA financial mechanism for the Republic of Bulgaria and Romania*

*Article 1*

1. Protocol 38a shall apply *mutatis mutandis* to the Republic of Bulgaria and Romania.
2. Notwithstanding paragraph 1, Article 6 of Protocol 38a shall not apply. No reallocation to any other Beneficiary State shall be applicable in case of available non-committed funds of Bulgaria and Romania.
3. Notwithstanding paragraph 1, Article 7 of Protocol 38a shall not apply.
4. Notwithstanding paragraph 1, contributions to non-governmental organisations and social partners may be up to 90 % of project costs.

*Article 2*

The additional amounts of the financial contribution for the Republic of Bulgaria and Romania shall be EUR 21,5 million for the Republic of Bulgaria and EUR 50,5 million for Romania over the period running from 1 January 2007 to 30 April 2009, inclusive; they shall be made available as from the date of entry into force of the Agreement on the Participation of the Republic of Bulgaria and Romania in the European Economic Area or of an agreement to apply the Agreement provisionally and be provided for commitment in a single tranche in 2007.

▼ M239**PROTOCOL 38 B****ON THE EEA FINANCIAL MECHANISM (2009-2014)***Article 1*

Iceland, Liechtenstein and Norway ('the EFTA States') shall contribute to the reduction of economic and social disparities in the European Economic Area and to the strengthening of their relations with the Beneficiary States, through financial contributions in the priority sectors listed in Article 3.

*Article 2*

The total amount of the financial contribution provided for in Article 1 shall be EUR 988,5 million, to be made available for commitment in annual tranches of EUR 197,7 million over the period running from 1 May 2009 to 30 April 2014, inclusive.

*Article 3*

1. The financial contributions shall be available in the following priority sectors:

- (a) Environmental protection and management;
- (b) Climate change and renewable energy;
- (c) Civil society;
- (d) Human and social development;
- (e) Protecting cultural heritage.

2. Academic research may be eligible for funding in so far as it is targeted at one or more of the priority sectors.

3. The indicative allocation target for each Beneficiary State is at least 30 percent for priority sectors (a) and (b) combined, and 10 per cent for priority sector (c). The priority sectors shall, in accordance with the procedure referred to in Article 8 paragraph 2, be chosen, concentrated and adapted in a flexible manner, according to the different needs in each Beneficiary State, taking into account its size and the amount of the contribution.

*Article 4*

1. The EFTA contribution shall not exceed 85 percent of programme cost. It may in special cases be up to 100 per cent of programme cost.

2. The applicable rules on state aid shall be complied with.

3. The European Commission shall screen all programmes and any substantial change in a programme for their compatibility with the European Union's objectives.

4. The responsibility of the EFTA States for the projects is limited to providing funds according to the agreed plan. No liability to third parties will be assumed.

▼ **M239***Article 5*

The funds shall be made available to the following Beneficiary States: Bulgaria, Czech Republic, Estonia, Greece, Spain, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovenia and Slovakia.

EUR 45,85 million shall be allocated to Spain for transitional support for the period 1 May 2009–31 December 2013. While taking into account transitional adjustments, the remaining funds shall be made available in accordance with the following distribution:

	Funds (million EUR)
Bulgaria	78,60
Czech Republic	61,40
Estonia	23,00
Greece	63,40
Cyprus	3,85
Latvia	34,55
Lithuania	38,40
Hungary	70,10
Malta	2,90
Poland	266,90
Portugal	57,95
Romania	190,75
Slovenia	12,50
Slovakia	38,35

*Article 6*

With a view to reallocating any non-committed available funds to high priority projects of any Beneficiary State, a review shall be carried out in November 2011 and again in November 2013.

*Article 7*

1. The financial contribution provided for in this Protocol shall be closely coordinated with the bilateral contribution from Norway provided for by the Norwegian Financial Mechanism.

2. In particular, the EFTA States shall ensure that the application procedures and implementation modalities are essentially the same for both financial mechanisms referred to in the previous paragraph.

3. Any relevant changes in the European Union's cohesion policies shall be taken into account, as appropriate.

▼ M239*Article 8*

The following shall apply to the implementation of the EEA Financial Mechanism:

1. The highest degree of transparency, accountability and cost efficiency shall be applied in all implementation phases, as well as principles of good governance, sustainable development and gender equality. The objectives of the EEA Financial Mechanism shall be pursued in the framework of close cooperation between the Beneficiary States and the EFTA States.
2. In order to ensure efficient and targeted implementation, and taking into account national priorities, the EFTA States shall conclude with each Beneficiary State a Memorandum of Understanding that shall set out the multi-annual programming framework and the structures for management and control.
3. After having concluded the Memorandum of Understanding, the Beneficiary State shall submit programme proposals. The EFTA States will appraise and approve the proposals and conclude grant agreements with the Beneficiary States for each programme. The level of detail in the programme shall take into account the size of the contribution. Within programmes, projects may in exceptional cases be specified, including conditions for their selection, approval and control, in accordance with the provisions for implementation referred to in paragraph 8.

The implementation of the agreed programmes shall be the responsibility of the Beneficiary States. The Beneficiary States shall provide for an appropriate management and control system in order to ensure a sound implementation and management system.

4. Partnerships shall, where appropriate, be applied in the preparation, implementation, monitoring and evaluation of the financial contribution in order to ensure broad participation. Partners may include, *inter alia*, local, regional and national levels, as well as the private sector, civil society and social partners in the Beneficiary States and the EFTA States.
5. The control system provided for the management of the EEA Financial Mechanism shall ensure the respect of the principle of sound financial management. The EFTA States may carry out controls according to their internal requirements. The Beneficiary States shall provide all necessary assistance, information and documentation to this effect. The EFTA States may suspend financing and require recovery of funds in the case of irregularities.
6. Any project under the multi-annual programming framework in the Beneficiary States may be implemented in cooperation between entities based in the Beneficiary States and in the EFTA States, in accordance with the applicable rules on public procurement.
7. The management costs of the EFTA States shall be covered by the overall amount referred to in Article 2 and will be specified in the provisions for the implementation referred to in paragraph 8.
8. The EFTA States shall establish a Committee for the overall management of the EEA Financial Mechanism. Further provisions for the implementation of the EEA Financial Mechanism will be issued by the EFTA States after consultation with the Beneficiary States. The EFTA States shall endeavour to issue these provisions before the signing of the Memoranda of Understanding.

▼ M239

*Article 9*

At the end of the five-year period and without prejudice to the rights and obligations under the Agreement, the Contracting Parties will, in the light of Article 115 of the Agreement, review the need to address economic and social disparities within the European Economic Area.

**▼M268****ADDENDUM TO PROTOCOL 38B ON THE EEA FINANCIAL MECHANISM FOR THE REPUBLIC OF CROATIA***Article 1*

1. Protocol 38b shall apply *mutatis mutandis* to the Republic of Croatia.
2. Notwithstanding paragraph 1, the first sentence of paragraph 3 of Article 3 of Protocol 38b shall not apply.
3. Notwithstanding paragraph 1, Article 6 of Protocol 38b shall not apply. No reallocation to any other Beneficiary State shall be applicable in case of available non-committed funds of Croatia.

*Article 2*

The additional amounts of the financial contribution shall be EUR 5 million for the Republic of Croatia over the period running from 1 July 2013 to 30 April 2014, inclusive; they shall be made available for commitment in a single tranche as from the date of entry into force of the Agreement on the Participation of the Republic of Croatia in the European Economic Area or of an agreement to apply the Agreement provisionally.

**▼B**

**PROTOCOL 39**

**on the ECU**

For the purposes of this Agreement, 'ECU' means the ECU as defined by the competent Community authorities. In all acts referred to in the Annexes to the Agreement, 'European unit of account' shall be replaced by 'ECU'.



**▼B**

## **PROTOCOL 40**

### **on Svalbard**

1. When ratifying the EEA Agreement, the Kingdom of Norway shall have the right to exempt the territory of Svalbard from the application of the Agreement.
2. If the Kingdom of Norway avails itself of this right, existing agreements applicable to Svalbard, i.e. the Convention establishing the European Free Trade Association, the Free Trade Agreement between the European Economic Community and the Kingdom of Norway and the Free Trade Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community of the one part, and the Kingdom of Norway of the other part, shall continue to apply to the territory of Svalbard.

**▼B****PROTOCOL 41****on existing agreements**

In accordance with the provisions of Article 120 of the EEA Agreement, the Contracting Parties have agreed that the following existing bilateral or multi-lateral Agreements binding the European Economic Community, on the one hand, and one or more EFTA States, on the other, shall continue to apply after the entry into force of the EEA Agreement:

**▼M1****▼B**

- 
- |            |  |
|------------|--|
| 1.12.1987  | Agreement between the Republic of Austria, on the one hand, and the Federal Republic of Germany and the European Economic Community, on the other, on cooperation on management of water resources in the Danube basin.  |
| 19.11.1991 | Agreement in the form of an Exchange of Letters between the Republic of Austria and the European Economic Community concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles. |

**▼B****PROTOCOL 42****on bilateral arrangements concerning specific agricultural products**

The Contracting Parties take note that at the same time as the Agreement, bilateral agreements on trade in agricultural products have been signed. These agreements, which develop further or supplement agreements made earlier by the Contracting Parties, and moreover reflect, *inter alia*, their agreed common objective to contribute to the reduction of social and economic disparities between their regions, shall enter into force, at the latest, at the time of entry into force of the present Agreement.

▼ B

**PROTOCOL 43**

**on the Agreement between the EC and the Republic of Austria on the transit of goods by road and rail**

The Contracting Parties note that simultaneously with the present Agreement, a bilateral Agreement was signed between the European Communities and Austria on the transit of goods by road and rail.

Provisions of the bilateral Agreement shall prevail over provisions of the present Agreement to the extent that they cover the same subject matter and as specified in the present Agreement.

Six months before the expiration of the Agreement between the European Community and the Republic of Austria on the transit of goods by road and rail, the situation in road transport will be jointly reviewed.

▼ M1

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**▼ M135****PROTOCOL 44****▼ M268****On safeguard mechanisms pursuant to enlargements of the European Economic Area**

1. Application of Article 112 of the Agreement to the General Economic Safeguard Clause and the safeguard mechanisms contained in certain transitional arrangements in the Field of Free Movement of Persons and Road Transport

Article 112 of the Agreement shall also be applicable to the situations specified or referred to:

- (a) in the provisions of Article 37 of the Act of Accession of 16 April 2003, of Article 36 of the Act of Accession of 25 April 2005 and of Article 37 of the Act of Accession of 9 December 2011, and
- (b) in the safeguard mechanisms contained in the transitional arrangements under the headings ‘Transition period’ in Annex V (Free movement of workers) and Annex VIII (Right of establishment), in point 30 (Directive 96/71/EC of the European Parliament and of the Council) of Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women), in point 26c (Council Regulation (EEC) No 3118/93) and point 53a (Council Regulation (EEC) No 3577/92) of Annex XIII (Transport) with the same time limits, scope and effects as set out in those provisions.

2. Internal Market Safeguard Clause

The general decision-making procedure provided for by the Agreement shall also be applicable to decisions taken by the Commission of the European Communities in application of Article 38 of the Act of Accession of 16 April 2003, of Article 37 of the Act of Accession of 25 April 2005, and of Article 38 of the Act of Accession of 9 December 2011.

**▼B****PROTOCOL 45****on transitional periods concerning Spain and Portugal**

The Contracting Parties consider that the Agreement does not affect the transitional periods accorded to Spain and Portugal by the Act of their accession to the European Communities, which could remain after the entry into force of the Agreement, independently of the transitional periods provided for in the Agreement itself.

**▼B**

#### **PROTOCOL 46**

##### **on the development of cooperation in the fisheries sector**

In the light of the results of two-yearly reviews of the state of their cooperation in the fisheries sector, the Contracting Parties will seek to develop this cooperation on a harmonious, mutually beneficial basis and within the framework of their respective fisheries policies. The first review will take place before the end of 1993.

**▼ B****PROTOCOL 47****on the abolition of technical barriers to trade in wine**

The Contracting Parties shall authorize imports and marketing of wine products, originating in their territories, which are in conformity with the EC legislation, as adapted for the purposes of the Agreement, as set out in ►M7 Appendix 1 ◀ to this Protocol related to product definition, oenological practices, composition of products and modalities for circulation and marketing.

**▼ M7**

The Contracting Parties shall establish mutual assistance between control authorities in the wine sector in accordance with the provisions laid down in Appendix 2.

**▼ B**

For the purpose of this Protocol ‘originating wine products’ shall be understood as ‘wine products in which all the grapes or any materials derived from grapes used therein must be wholly obtained’.

For all purposes other than trade between the EFTA States and the Community, the EFTA States may continue to apply their national legislation.

The provisions of Protocol 1 on horizontal adaptations shall apply to the acts referred to in ►M7 Appendix 1 ◀ to this Protocol. The Standing Committee of the EFTA States shall fulfil the functions mentioned in points 4(d) and 5 of Protocol 1.

**▼ M12**

For products covered by the acts referred to in this Protocol, Liechtenstein may apply Swiss legislation deriving from its regional union with Switzerland on the Liechtenstein market in parallel with the legislation implementing the acts referred to in this Protocol. Provisions on free movement of goods contained in this Agreement or in acts referred to shall be applicable as regards exports from Liechtenstein to the other Contracting Parties only to products which are in conformity with the acts referred to in this Protocol.

**▼ M198**

However, this Protocol shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein.



▼ **M180***APPENDIX I*▼ **M248**▼ **M257**▼ **M248**

8. **32007 R 1234**: Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1), as amended by:

— **32009 R 0491**: Council Regulation (EC) No 491/2009 of 25 May 2009 (OJ L 154, 17.6.2009, p. 1),

▼ **M263**

— **32013 R 0052**: Commission Implementing Regulation (EU) No 52/2013 of 22 January 2013 (OJ L 20, 23.1.2013, p. 44).

▼ **M281**

The transitional arrangements set out in the Annexes to the Act of Accession of 9 December 2011 for Croatia (Annex V, Chapter 4, point (3)) shall apply.

▼ **M248**

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Only the following provisions of the Regulation shall apply:

Article 1(1)(l), cf. Part XII of Annex I,

Article 2(1), cf. Part IIIa of Annex III,

Article 113d, cf. Annex XIb,

Articles 118a to 118c,

Articles 118e to 118zb,

Articles 120a to 120g,

Article 185c(1) and (2), and

Article 185d.

The provisions shall apply with the adaptations that can be derived from the provisions of the main text of the Agreement, the horizontal adaptations in the introduction to Protocol 47 to the Agreement and the specific adaptations in Appendix I to Protocol 47 to the Agreement.

- (b) The representatives of the EFTA States shall participate fully in the work of the Committees referred to in Article 195 of the Regulation, dealing with matters which fall within the scope of the acts referred to in the Agreement, but shall not have the right to vote.

9. **32009 R 0436**: Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ L 128, 27.5.2009, p. 15), ► **M266** as amended by:

— **32013 R 0144**: Commission Implementing Regulation (EU) No 144/2013 of 19 February 2013 (OJ L 47, 20.2.2013, p. 56) ◀,

▼ **M272**

— **32012 R 0314**: Commission Implementing Regulation (EU) No 314/2012 of 12 April 2012 (OJ L 103, 13.4.2012, p. 21) as corrected by OJ L 319, 16.11.2012, p. 10.

▼ **M272**

The provisions of this Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Only the following provisions of the Regulation shall apply:

Article 21(1) and (2) (a) and (b),  
 Articles 22 and 23,  
 Article 24(1)(a), (2), (4) and (5), cf. Annex VI,  
 Articles 25 and 26, cf. Annex VIII,  
 Article 29(1), (2) (a) and (c) and (3),  
 Article 31(1), (2), (5) and (6), cf. Annex IXa,  
 Articles 32 to 35,  
 Article 47,  
 Article 48(1) and  
 Article 49.

The provisions shall apply with the adaptations that can be derived from the provisions of the main text of the Agreement, the horizontal adaptations in the introduction to Protocol 47 to the Agreement and the specific adaptations in Appendix 1 to Protocol 47 to the Agreement.

- (b) Article 24(4) first subparagraph shall apply with the following adaptations:

When the accompanying documents referred to in Article 24(1) (a) (iii) are issued by an EFTA-State, instead of the logo of the Union and the words 'European Union', they shall bear in the header the words 'European Economic Area'.

- (c) In the third paragraph of Article 34(1) the words 'In the case of transport inside the Community, such information shall be communicated in accordance with Regulation (EC) No 555/2008' shall be replaced by 'Such information shall be forwarded in accordance with Appendix 2 to Protocol 47 to the Agreement'.

- (d) The following text shall be inserted in Annex IXa B to the Regulation:

‘— *in Norwegian*:

- a) for vin med BOB: “Dette dokumentet attesterer riktigheten av den beskyttede opprinnelsesbetegnelsen”, “nr. [..., ...] i E-Bacchus-databasen”
- b) for vin med BGB: “Dette dokumentet attesterer riktigheten av den beskyttede geografiske betegnelsen”, “nr. [..., ...] i E-Bacchus-databasen”
- c) for vin uten BOB eller BGB, som markedsføres med angivelse av innhøstingsår: “Dette dokumentet attesterer riktigheten av innhøstingsåret, jf. artikkel 118z i forordning (EF) nr. 1234/2007”
- d) for vin uten BOB eller BGB, som markedsføres med angivelse av den (eller de) druesorten(e) som er brukt til vinfremstilling: “Dette dokumentet attesterer riktigheten av den (eller de) druesorten(e) som er brukt til vinfremstilling, jf. artikkel 118z i forordning (EF) nr. 1234/2007”
- e) for vin uten BOB eller BGB, som markedsføres med angivelse av innhøstingsår og med angivelse av den (eller de) druesorten(e) som er brukt til vinfremstilling: “Dette dokumentet attesterer riktigheten av innhøstingsåret og den (eller de) druesorten(e) som er brukt til vinfremstilling, jf. artikkel 118z i forordning (EF) nr. 1234/2007”.

▼ M248

10. **32009 R 0606**: Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1), ► **M256** as amended by:
- **32009 R 1166**: Commission Regulation (EC) No 1166/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 27),
  - **32011 R 0053**: Commission Regulation (EU) No 53/2011 of 21 January 2011 (OJ L 19, 22.1.2011, p. 1), ◀

▼ M266

- **32013 R 0144**: Commission Implementing Regulation (EU) No 144/2013 of 19 February 2013 (OJ L 47, 20.2.2013, p. 56),

▼ M272

- **32012 R 0315**: Commission Implementing Regulation (EU) No 315/2012 of 12 April 2012 (OJ L 103, 13.4.2012, p. 38),

▼ M296

- **32013 R 1251**: Commission Implementing Regulation (EU) No 1251/2013 of 3 December 2013 (OJ L 323, 4.12.2013, p. 28),
- **32014 R 0347**: Commission Implementing Regulation (EU) No 347/2014 of 4 April 2014 (OJ L 102, 5.4.2014, p. 9).

▼ M248

11. **32009 R 0607**: Commission Regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products (OJ L 193, 24.7.2009, p. 60), ► **M256** as amended by:
- **32010 R 0401**: Commission Regulation (EU) No 401/2010 of 7 May 2010 (OJ L 117, 11.5.2010, p. 13), as corrected by OJ L 248, 22.9.2010, p. 67,
  - **32011 R 0538**: Commission Regulation (EU) No 538/2011 of 1 June 2011 (OJ L 147, 2.6.2011, p. 6), ◀

▼ M257

- **32011 R 0670**: Commission Implementing Regulation (EU) No 670/2011 of 12 July 2011 (OJ L 183, 13.7.2011, p. 6).

▼ M267

- **32012 R 0579**: Commission Implementing Regulation (EU) No 579/2012 of 29 June 2012 (OJ L 171, 30.6.2012, p. 4),
- **32012 R 1185**: Commission Implementing Regulation (EU) No 1185/2012 of 11 December 2012 (OJ L 338, 12.12.2012, p. 18),

▼ M281

- **32013 R 0519**: Commission Regulation (EU) No 519/2013 of 21 February 2013 (OJ L 158, 10.6.2013, p. 74).

▼ M267

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The following shall be added in Article 70a:

‘The EFTA States shall, when concerned, follow the procedures set out in Article 70a(1)(b), 70a(2) and 70a(4).’

(b) The following shall be added in the table in Part A of Annex X:

‘in Norwegian	“sulfitter” or “svovel- dioksid”	“egg”, “eggprotein”, “eggprodukt”, “egglysozym” or “eggalbumin”	“melk”, “melkeprodukt”, “melkekasein” or “melkeprotein” ’
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▼ **M267**

(c) The following shall be added in the table in Annex Xa:

‘NO	“bearbeidingsvirk-somhet” or “vinpro- dusent”	“bearbeidet av” ’
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▼ **M256**

12. **32010 R 1022**: Commission Regulation (EU) No 1022/2010 of 12 November 2010 authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2010 in certain wine-growing zones (OJ L 296, 13.11.2010, p. 3).

▼ **M266**

13. **32013 R 0172**: Commission Implementing Regulation (EU) No 172/2013 of 26 February 2013 on the removing of certain existing wine names from the register provided for in Council Regulation (EC) No 1234/2007 (OJ L 55, 27.2.2013, p. 20).

▼ M7

## APPENDIX 2

**Establishing mutual assistance between control authorities in the wine sector**

## TITLE I

**PRELIMINARY PROVISIONS***Article 1***Definitions**

For the purposes of this Appendix:

- (a) 'rules concerning trade in wine' shall mean any provision laid down in this Protocol;
- (b) 'competent authority' shall mean each of the authorities or each of the departments designated by a Contracting Party to ensure compliance with the rules concerning trade in wine;
- (c) 'liaison authority' shall mean the competent body or authority designated by a Contracting Party to liaise as appropriate with the liaison authorities of other Contracting Parties;
- (d) 'applicant authority' shall mean a competent authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance in areas covered by this Appendix;
- (e) 'requested authority' shall mean a competent body or authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance in areas covered by this Appendix;
- (f) 'contravention' shall mean any violation of the rules concerning trade in wine, as well as any attempted violation of such rules.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Appendix. The correct application of the rules concerning trade in wine shall be ensured in particular through mutual assistance, detection and investigation of contraventions of these rules.
2. Assistance in matters concerning such rules, as provided for in this Appendix, shall apply to any authority of the Contracting Parties. It shall not prejudice the rules relating to criminal proceedings or mutual assistance among Contracting Parties at judicial level in criminal matters.

## TITLE II

**CONTROLS TO BE CARRIED OUT BY THE CONTRACTING PARTIES***Article 3***Principles**

1. The Contracting Parties shall take the necessary measures to ensure the assistance, as provided for in Article 2, through appropriate control measures.

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2. Such controls shall be carried out either systematically or by sampling. In the case of sampling, Contracting Parties shall ensure by their number, nature and frequency that controls are representative.

3. Contracting Parties shall ensure that the competent authorities have a sufficient number of suitable, qualified and experienced staff to carry out efficiently the controls referred to in paragraph 1. They shall take all appropriate measures to facilitate the work of the officials of their competent authorities, in particular with regard to the following purposes:

- having access to the vineyards, wine-making and storage installations and for installations for processing wine-sector products and vehicles for transporting those products,
- having access to the commercial premises (or warehouses) and vehicles of anyone holding, with a view to sale, marketing or transporting wine-sector products or products which may be intended for use in the wine sector,
- having the possibility of undertaking a survey of wine-sector products and substances or products which may be used for the preparation of such products,
- having the possibility of taking samples of products held with a view to sale, marketed or transported,
- having the possibility of examining accounts or other documents for the purposes of controls and of taking copies or extracts thereof,
- having the possibility of taking appropriate protective measures regarding the preparation, holding, transport, description, presentation, export to other Contracting Parties and marketing of a wine-sector product or a product intended for use in the preparation of such a product, if there is reason to believe that there has been a serious infringement of this Protocol, in particular in the case of fraudulent treatment or risks to public health.

*Article 4***Control authorities**

1. Where a Contracting Party designates several competent authorities, it shall ensure the coordination of the work of those authorities.

2. Each Contracting Party shall designate a single liaison authority. The authority designated shall:

- forward the applications for cooperation with a view to implementing this Appendix to the liaison authorities of other Contracting Parties,
- receive such applications from the latter authorities and forward them to the competent authority or authorities of the Contracting Party concerned under which it comes,
- represent that Contracting Party *vis-à-vis* other Contracting Parties in the context of the cooperation covered by Title III,
- notify the other Contracting Parties of the measures taken pursuant to Article 3.

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## TITLE III

## MUTUAL ASSISTANCE BETWEEN CONTROL AUTHORITIES

*Article 5***Assistance on request**

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to verify the correct application of the rules concerning trade in wine, including information concerning operations noted or planned which contravene or would contravene such rules.

2. At the reasoned request of the applicant authority, the requested authority shall perform or take necessary steps to perform special surveillance or controls enabling the desired objectives to be achieved.

3. The requested authority as referred to in paragraphs 1 and 2 shall act as if on its own account or at the request of an authority in its own country.

4. In agreement with the requested authority, the applicant authority may designate its own officials or officials of another competent authority of the Contracting Party it represents:

— either to obtain on the premises of the competent authorities coming under the Contracting Party in which the requested authority has its seat, information relating to the verification of the correct application of the rules concerning trade in wine or to control activities, including the making of copies of transport and other documents or extracts from the register,

— or to be present during activities requested pursuant to paragraph 2.

The copies referred to in the first indent may be made only with the agreement of the requested authority.

5. An applicant authority which wishes to send to a Contracting Party an official designated in accordance with paragraph 4, first subparagraph, to be present at the control operations referred to in the second indent of that subparagraph shall advise the requested authority accordingly in good time before the start of those operations.

The officials of the requested authority shall at all times be in charge of carrying out control operations.

The officials of the applicant authority shall:

— produce written authorization specifying their identity and status,

— have, within the limits imposed by the Contracting Party of the requested authority on its own officials in carrying out the controls concerned:

— the rights of access provided for in Article 3 (3),

— the right to be informed of the results of controls carried out by the officials of the requested authority pursuant to Article 3 (3),

**▼ M7**

— adopt, in the course of controls, an attitude compatible with the rules and practices which must be followed by officials of the Contracting Party within the territory of which the control operations are carried out.

6. The reasoned requests referred to in this Article shall be forwarded to the requested authority of the Contracting Party in question via the liaison authority of that Contracting Party. The same shall apply for:

- the answers to those requests, and
- communications concerning the application of paragraphs 2, 4 and 5.

By way of derogation from the first subparagraph and in the interests of quicker and more effective cooperation between them, a Contracting Party may, in certain appropriate cases, permit a competent authority to:

- make its reasoned request or communication directly to a competent authority of another Contracting Party,
- reply directly to reasoned requests or communications received from a competent authority of another Contracting Party.

*Article 6***Urgent notification**

Where a competent authority of a Contracting Party has grounds for suspicion or learns:

- that a product referred to in this Protocol does not comply with the rules concerning trade in wine or has been the subject of fraudulent action to obtain or market such a product, and
- that such failure to comply with the rules is of specific interest to one or more other Contracting Parties and is such as to lead to administrative measures or legal action,

that competent authority shall, via the liaison authority under which it comes, notify the liaison authority of the Contracting Party concerned without delay.

*Article 7***Form and substance of requests for assistance**

1. Requests pursuant to this Appendix shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the urgency of the situation, oral requests may be accepted but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

- the name of the applicant authority making the request,
- the measure requested,
- the object of, and the reason for, the request,
- laws, rules, and other legal instruments involved,



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- indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations,
  - a summary of the relevant facts.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.
  4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

*Article 8***Form in which information is to be communicated**

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

*Article 9***Exceptions to the obligation to provide assistance**

1. The Contracting Party or the requested authority may refuse to give assistance as provided for in this Appendix, where to do so would:
  - be likely to prejudice sovereignty, public policy (l'ordre public), security or other essential interests, or
  - involve currency or tax regulations.
2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to the fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.
3. If assistance is withheld or denied, the decision and the reasons therefor must be notified to the applicant authority without delay.

*Article 10***Common provisions**

1. The information referred to in Article 5 and Article 6 shall be accompanied by documents or other evidence and details of any administrative measures or legal action and shall relate in particular to:
  - composition and organoleptic characteristics,
  - description and presentation,
  - compliance with the rules laid down for preparation and marketing of the product in question.

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2. The liaison authorities concerned by a case for which the mutual assistance procedure referred to in Articles 5 and 6 is initiated shall inform each other without delay of:

— the progress of investigations, particularly in the form of reports and other documents or information media, and

— any administrative or legal action taken subsequent to the operations concerned.

3. Travel costs incurred in the application of this Appendix shall be borne by the Contracting Party which has appointed an official for the measures referred to in Article 5 (2) and (4).

4. This Article shall not prejudice national provisions concerning the secrecy of legal proceedings.

#### TITLE IV GENERAL PROVISIONS

##### *Article 11*

##### **Collection of samples**

1. In the context of the application of Titles II and III, the competent authority of a Contracting Party may request the competent authority of another Contracting Party to collect samples in accordance with the relevant provisions in that Contracting Party.

2. The requested authority shall hold the samples collected pursuant to paragraph 1 and shall determine, *inter alia*, the laboratory to which they are to be submitted for examination. The applicant authority may designate another laboratory to analyse parallel samples. For this purpose, the requested authority shall forward an appropriate number of samples to the applicant authority.

3. In the case of disagreement between the applicant authority and the requested authority with regard to the results of the examination referred to in paragraph 2, an arbitration analysis shall be carried out by a mutually designated laboratory.

##### *Article 12*

##### **Obligation to observe confidentiality**

1. Any information communicated in whatever form pursuant to this Appendix shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended under the relevant laws applicable in the Contracting Party which received it or the corresponding provisions applying to the Community authorities, as the case may be.

2. This Appendix shall not oblige a Contracting Party whose legislation or administrative practices impose stricter limits for the protection of industrial and commercial secrecy than those laid down in this Appendix to supply information, where the applicant Contracting Party does not take steps to comply with these stricter limits.

**▼M7***Article 13***Use of information**

1. Information obtained shall be used solely for the purposes of this Appendix and may be used within each Contracting Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority.
  
2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for offence under ordinary criminal law, provided that it has been obtained in the framework of an international legal assistance procedure.
  
3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Appendix.

*Article 14***Information obtained pursuant to this Appendix — conclusive force**

The findings of the specific officials of the competent authorities of a Contracting Party in the course of application of this Appendix may be invoked by the competent authorities of the other Contracting Parties. In such cases, they shall have no less value because of the fact that they do not come from the Contracting Party in question.

*Article 15***Persons subject to controls**

Natural or legal persons and groups of such persons whose activities may be the subject of the controls referred to in this Appendix shall not obstruct such controls and shall be required to facilitate them at all times.

*Article 16***Implementation**

1. The Contracting Parties shall transmit to each other:
  - lists of the liaison authorities designated to act as correspondents for the purpose of the operational implementation of this Appendix,
  
  - lists of laboratories authorized to carry out analyses pursuant to Article 11 (2).
  
2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Appendix. In particular, they shall transmit to each other national provisions and a summary of administrative and judicial decisions of particular relevance to the correct application of the rules concerning trade in wine.

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*Article 17*

**Complementarity**

This Appendix shall complement and not impede application of any agreements on mutual assistance which have been concluded or may be concluded between two or more Contracting Parties. Nor shall it preclude more extensive mutual assistance granted under such agreements.

**▼B**

**PROTOCOL 48**

**concerning Articles 105 and 111**

Decisions taken by the EEA Joint Committee under Articles 105 and 111 may not affect the case-law of the Court of Justice of the European Communities.

**▼B****PROTOCOL 49****on Ceuta and Melilla**

Products covered by the Agreement and originating in the EEA, when imported into Ceuta or Melilla, shall enjoy in all respects the same customs regime as that which is applied to products originating in the customs territory of the Community under Protocol No 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities. The EFTA States shall grant to imports of products covered by the Agreement and originating in Ceuta and Melilla the same customs regime as that which is granted to products imported from and originating in the EEA.

▼ **M121****PROTOCOL****adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions**

THE EUROPEAN COMMUNITY, hereinafter referred to as ‘the Community’,  
of the one part, and

THE CZECH REPUBLIC,  
of the other part,

Whereas:

- (1) The Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part (hereinafter referred to as ‘the Europe Agreement’ was signed in Luxembourg on 4 October 1993 and entered into force on 1 February 1995 <sup>(1)</sup>).
- (2) Article 21(5) of the Europe Agreement provides that the Community and the Czech Republic shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the parties.
- (3) For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement <sup>(2)</sup> to take account of the last enlargement of the Community and the outcome of the GATT Uruguay Round.
- (4) Two further rounds of negotiations for improved agricultural trade concessions were concluded on 4 May 2000 and 6 June 2002.
- (5) From the one side, the Council decided, by virtue of Council Regulation (EC) No 2433/2000 of 17 October 2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Czech Republic <sup>(3)</sup>, to apply on a provisional basis, as from 1 July 2000, the Community concessions resulting from the 2000 round of negotiations and from the other side the Government of the Czech Republic took legislative provisions to apply, as from the same date, the equivalent Czech concessions.
- (6) The abovementioned concessions will be supplemented and replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE AGREED AS FOLLOWS:

<sup>(1)</sup> OJ L 360, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 341, 16.12.1998, p. 3.

<sup>(3)</sup> OJ L 280, 4.11.2000, p. 1.

▼ M121*Article 1*

The arrangements for import into the Community applicable to certain agricultural products originating in the Czech Republic as set out in Annexes A(a) and A(b) to this Protocol and the arrangements for import into the Czech Republic applicable to certain agricultural products originating in the Community as set out in Annexes B(a) and B(b) to this Protocol shall replace those set out in Annexes XI and XII as referred to in Article 21(2) and (4), as amended, of the Europe Agreement. The agreement between the Community and the Czech Republic on reciprocal preferential trade concessions for certain wines, set out in Annex C, shall form an integral part of this Protocol.

*Article 2*

This Protocol shall form an integral part of the Europe Agreement. The Annexes to this Protocol shall form an integral part thereof.

*Article 3*

This Protocol shall be approved by the Community and the Czech Republic in accordance with their corresponding procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

The Contracting Parties shall notify each other of the accomplishment of the abovementioned procedures.

*Article 4*

Subject to completion of the procedures provided for in Article 3, this Protocol shall enter into force on 1 January 2003. Should these procedures not be completed in time, it shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the procedures.

*Article 5*

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Czech languages, each of these texts being equally authentic.

Hecho en Bruselas, el veintitrés de abril del dos mil tres.

Udfærdiget i Bruxelles den treogtyvende april to tusind og tre.

Geschehen zu Brüssel am dreiundzwanzigsten April zweitausendunddrei.

Έγινε στις Βρυξέλλες, στις είκοσι τρεις Απριλίου δύο χιλιάδες τρία.

Done at Brussels on the twenty-third day of April in the year two thousand and three.

Fait à Bruxelles, le vingt-trois avril deux mille trois.

Fatto a Bruxelles, addì ventitré aprile duemilatre.

Gedaan te Brussel, de drieëntwintigste april tweeduizenddrie.

Feito em Bruxelas, em vinte e três de Abril de dois mil e três.

Tehty Brysselissä kahdentenakymmenentenäkölmantena päivänä huhtikuuta vuonna kaksituhattakolme.

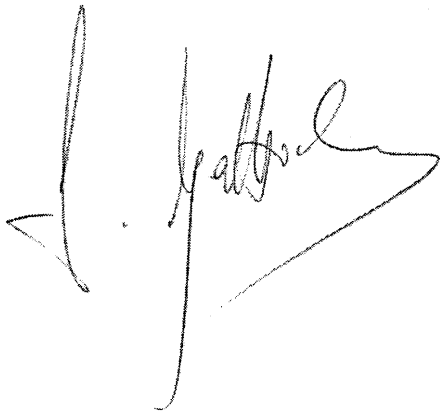
Som skedde i Bryssel den tjugotredje april tjugohundratre.

Dáno v Bruselu dne dvacátého třetího dubna roku dva tisíce tři.



▼ M121

Por la Comunidad Europea  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Voor de Europese Gemeenschap  
Pela Comunidade Europeia  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar



za Českou republiku



▼ **M121**

## ANNEX A(a)

**Custom duties on imports applicable in the Community to products originating in the Czech Republic and listed below shall be abolished**

CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>
0101 10 90	0709 59	0807 11 00	0904 12 00	1518 00 31	2009 31 11
0101 90 30	0709 60 10	0807 19 00	0904 20	1518 00 39	2009 39 31
0101 90 90	0709 60 99	0808 10 10	0905 00 00	1603 00 10	2009 41 10
0104 20 10	0709 90 10	0808 20 90	0907 00 00	1605 90 30	2009 49 30
0105 19	0709 90 20	0809 40 90	0910 40 13	1703	2009 50
0106 19 10	0709 90 40	0810 20 90	0910 40 19	2001 90 20	2009 71
0106 39 10	0709 90 50	0810 30 90	0910 40 90	2001 90 50	2009 79 19
0205 00	0709 90 60	0810 40	0910 91 90	2001 90 70	2009 79 30
0206 80 91	0709 90 90	0810 60 00	0910 99 99	2001 90 75	2009 79 93
0206 90 91	0710 10 00	0810 90 95	1105 20 00	2001 90 85	2009 79 99
0208 10 11	0710 80 59	0811 10 19	1106 10 00	2001 90 91	2009 80 19
0208 10 19	0710 80 61	0811 20 59	1106 30	2002	2009 80 36
0208 20 00	0710 80 69	0811 20 90	1208 10 00	2003	2009 80 38
0208 30 00	0710 80 70	0811 90 31	1209 10 00	2005 90 10	2009 80 50
0208 40	0710 80 80	0811 90 39	1209 21 00	2005 90 50	2009 80 63
0208 50 00	0710 80 85	0811 90 50	1209 23 80	2006 00 91	2009 80 69
0208 90 10	0710 80 95	0811 90 70	1209 29 50	2006 00 99	2009 80 71
0208 90 55	0710 90 00	0811 90 75	1209 29 60	2007 91 90	2009 80 73
0208 90 60	0711 30 00	0811 90 80	1209 29 80	2007 99 10	2009 80 79
0208 90 95	0711 40 00	0811 90 95	1209 30 00	2008 11 92	2009 80 88
0210 99 31	0711 51 00	0812 10 00	1209 91	2008 11 94	2009 80 89
0307 91 00	0711 59 00	0812 90 10	1209 99 91	2008 11 96	2009 80 95
0407 00	0711 90 10	0812 90 20	1209 99 99	2008 11 98	2009 80 96
0409 00 00	0711 90 50	0812 90 40	1210	2008 19 19	2009 80 97
0410 00 00	0711 90 80	0812 90 50	1211 90 30	2008 19 93	2009 80 99
0601	0712 20 00	0812 90 60	1212 10 10	2008 19 95	2009 90 19
0602	0712 31 00	0812 90 70	1212 10 99	2008 19 99	2009 90 29
0603 10 30	0712 32 00	0812 90 99	1214 90 10	2008 20 19	2009 90 39
0603 90 00	0712 33 00	0813 10 00	1302 19 05	2008 20 39	2009 90 41
0604	0712 39 00	0813 20 00	1502 00 90	2008 20 51	2009 90 49
0701 10 00	0712 90 05	0813 30 00	1503 00 19	2008 20 59	2009 90 51
0703 10 11	0712 90 30	0813 40 10	1503 00 90	2008 20 71	2009 90 59
0703 10 90	0712 90 50	0813 40 30	1511 10 90	2008 20 79	2009 90 73
0703 20 00	0712 90 90	0813 40 95	1511 90 19	2008 20 91	2009 90 79
0704 90 10	0713 50 00	0813 50 15	1511 90 91	2008 20 99	2009 90 95
0705 19 00	0713 90	0813 50 19	1511 90 99	2008 30 11	2009 90 96
0705 21 00	0802 12 90	0813 50 31	1512 11 91	2008 30 31	2009 90 97
0705 29 00	0802 21 00	0813 50 39	1512 19 91	2008 30 39	2009 90 98
0708 10 00	0802 22 00	0813 50 91	1513 29 19	2008 30 51	2009 90 99
0708 90 00	0802 31 00	0813 50 99	1513 29 91	2008 30 55	2302 50 00
0709 10 00	0802 32 00	0814 00 00	1513 29 99	2008 30 59	2306 90 19
0709 20 00	0802 40 00	0901 12 00	1515 11 00	2008 30 71	2308 00 90
0709 30 00	0802 90 85	0901 21 00	1515 19	2008 30 75	
0709 40 00	0805 10 80	0901 22 00	1515 21	2008 30 79	
0709 51 00	0805 50 90	0901 90 90	1515 29	2008 30 90	
0709 52 00	0806 20	0902 10 00	1515 90 59	2008 92 72	

<sup>(1)</sup> As defined in Commission Regulation (EC) No 2031/2001 of 6 August 2001 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 279, 23.10.2001).

▼ **M121**

## ANNEX A(b)

**Imports into the Community of the following products originating in the Czech Republic shall be subject to the concessions set out below**

(MFN = most-favoured-nation duty)

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0101 90 19	Live horses, other than for slaughter	67	Unlimited	Unlimited		
0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	20	178 000 heads	178 000 heads	0	<sup>(5)</sup> <sup>(11)</sup>
0102 90 21 0102 90 29 0102 90 41 0102 90 49	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg	20	153 000 heads	153 000 heads	0	<sup>(5)</sup> <sup>(11)</sup>
ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	6 % <i>ad valorem</i>	7 000 heads	7 000 heads	0	<sup>(6)</sup> <sup>(11)</sup>
0103 91 10 0103 92 19	Live swine, domestic species	20	1 500	1 500	0	<sup>(11)</sup>
0104 10 30 0104 10 80 0104 20 90	Live sheep or goats	Free	2 150	2 150	0	<sup>(7)</sup> <sup>(11)</sup>
0204	Meat of sheep or goats					
0201 0202	Meat of bovines, fresh, chilled or frozen	20	3 500	3 500	0	<sup>(11)</sup>
ex 0203	Meat of domestic swine, fresh, chilled or frozen	Free	13 000	14 500	1 500	<sup>(10)</sup> <sup>(11)</sup> <sup>(14)</sup>
0210 11 to 0210 19	Meat of swine, salted, in brine, dried or smoked					<sup>(10)</sup> <sup>(11)</sup>
0207	Poultry, fresh, chilled or frozen	Free	11 700	13 050	1 350	<sup>(10)</sup> <sup>(11)</sup>

## ▼ M121

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0402	Milk powder and condensed milk	Free	4 188	5 500	0	<sup>(10)</sup> <sup>(11)</sup>
0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Buttermilk and yoghurts and other fermented or acidified milk and cream	Free	150	300	0	<sup>(10)</sup>
0404	Whey and products consisting of natural milk constituents	Free	300	600	0	<sup>(10)</sup>
ex 0405	Butter and other fats and oils derived from milk excluding CN codes 0405 20 10 and 0405 20 30	Free	1 375	1 500	0	<sup>(10)</sup> <sup>(11)</sup>
0406	Cheese and curd	Free	6 630	7 395	765	<sup>(10)</sup> <sup>(11)</sup>
0408 11 80	Egg yolks, dried	20	375	375	0	<sup>(11)</sup> <sup>(12)</sup>
0408 19 81	Egg yolks, liquid					
0408 19 89	Egg yolks, frozen					
0408 91 80	Birds' eggs, dried	20	2 750	2 750	0	<sup>(11)</sup> <sup>(13)</sup>
0408 99 80	Birds' eggs, other					
ex 0603 10 10 ex 0603 10 20 ex 0603 10 40 ex 0603 10 50 ex 0603 10 80	Cut flowers and flower buds, fresh (from 1 November to 31 May)	2 % <i>ad valorem</i>	Unlimited	Unlimited		
0603 10 10 0603 10 20 0603 10 40 0603 10 50 0603 10 80	Cut flowers and flower buds, fresh	20	250	250	0	<sup>(11)</sup>
ex 0707 00 05	Cucumbers, fresh or chilled (from 16 May to 31 October)	80	Unlimited	Unlimited		<sup>(9)</sup>
0709 90 70	Fresh or chilled courgettes	Free	Unlimited	Unlimited		<sup>(9)</sup>

## ▼ M121

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0805 10 10 0805 10 30 0805 10 50	Sweet oranges, fresh	Free	Unlimited	Unlimited		<sup>(9)</sup>
0808 10 20 0808 10 50 0808 10 90	Apples, fresh	Free	500	500	0	<sup>(11)</sup>
0809 20 05 0809 20 95	Cherries	Free	Unlimited	Unlimited		<sup>(9)</sup>
0809 40 05	Plums	Free	Unlimited	Unlimited		<sup>(9)</sup>
0810 20 10	Raspberries, fresh	Free	Unlimited	Unlimited		<sup>(8)</sup>
0810 30 10	Blackcurrants, fresh	Free	Unlimited	Unlimited		<sup>(8)</sup>
0810 30 30	Redcurrants, fresh	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 20 19	Frozen raspberries, containing added sugar or other sweetening, with a sugar content not exceeding 13 % by weight	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter	Free	Unlimited	Unlimited		<sup>(8)</sup>
0811 10 11 0811 20 11 0811 90 11 0811 90 19 0811 90 85	Fruit and nuts	20	500	500	0	

## ▼ M121

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
1001	Wheat and meslin	Free	100 000	200 000	0	<sup>(10)</sup>
1002	Rye	Free	5 000	10 000	0	<sup>(10)</sup>
1003	Barley	Free	42 125	50 000	0	<sup>(10)</sup> <sup>(11)</sup>
1004	Oats	Free	5 000	10 000	0	<sup>(10)</sup>
1005 10 90 1005 90 00	Maize	Free	10 000	20 000	0	<sup>(10)</sup>
1008	Buckwheat, millet and canary seed, other cereals	Free	5 000	10 000	0	<sup>(10)</sup>
1101 00	Wheat and meslin flour	20	16 875	16 875	0	
1107	Malt	Free	45 250	45 250	0	<sup>(10)</sup> <sup>(11)</sup>
1512 11 10	Sunflower seed or safflower oil and fractions thereof Crude oil, for technical and industrial uses	Free	875	875	0	<sup>(11)</sup>
1514 11 10 1514 91 10	Crude rapeseed, colza or mustard oil other than for human consumption	Free	11 375	11 375	0	<sup>(11)</sup>
1601 00	Sausages and similar products	Free	3 680	4 370	690	<sup>(10)</sup> <sup>(11)</sup>
1602 41 to 1602 49	Prepared or preserved meat of swine					
1602 31 to 1602 39	Prepared or preserved meat of poultry	Free	1 300	1 450	150	<sup>(10)</sup> <sup>(11)</sup>
1602 50 31	Other prepared or preserved meat	65	Unlimited	Unlimited		
1602 50 39	Meat offal or blood of bovine animal, other	65				
1602 50 80		65				
2001 10 00	Cucumbers, preserved	Free	1 300	1 450	150	<sup>(11)</sup>
2007 10 10	Homogenised prep- arations with a sugar content exceeding 13 % by weight	Free	445	500	0	<sup>(10)</sup> <sup>(11)</sup>

▼ **M121**

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2007 99 31	Cherry jams, jellies, marmalades, purées and pastes with a sugar content exceeding 30 % by weight	83	Unlimited	Unlimited		<sup>(9)</sup>
2009 11 19	Fruit juices	Free	1 000	1 200	200	<sup>(11)</sup>
2009 11 99						
2009 12 00						
2009 19 19						
2009 19 98						
2009 21 00						
2009 29 19						
2009 29 99						
2009 31 19						
2009 31 51						
2009 31 59						
2009 31 91						
2009 31 99						
2009 39 19						
2009 39 39						
2009 39 55						
2009 39 59						
2009 39 95						
2009 39 99						
2009 41 91						
2009 41 99						
2009 49 19						
2009 49 93						
2009 49 99						
2009 61 10						
2009 61 90						
2009 69 11						
2009 69 19						
2009 69 51						
2009 69 59						
2009 69 90						

<sup>(9)</sup><sup>(9)</sup><sup>(9)</sup><sup>(9)</sup>

## ▼ M121

CN code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable duty <sup>(3)</sup> <sup>(4)</sup> (% of MFN)	Quantity <sup>(5)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2009 79 11 2009 79 91	Apple juice	Free	250	250		<sup>(9)</sup>

<sup>(1)</sup> As defined in Commission Regulation (EC) No 2031/2001 of 6 August amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, (OJ L 279, 23.10.2001).

<sup>(2)</sup> Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

<sup>(3)</sup> In cases where a MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

<sup>(4)</sup> Only applicable with effect from the date of entry into force of this Protocol.

<sup>(5)</sup> The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. Where it appears likely that total Community imports of live bovine animals may exceed 500 000 heads in a given marketing year the Community may take the management measures needed to protect its market, not withstanding any other rights given under the Agreement.

<sup>(6)</sup> The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

<sup>(7)</sup> The Community may take into account, in the framework of its legislation and when appropriate the supply needs of its market and the need to maintain its market balance

<sup>(8)</sup> Subject to minimum import price arrangements contained in the Annex to the present Annex.

<sup>(9)</sup> Applies only to the *ad valorem* part of the duty.

<sup>(10)</sup> This concession is only applicable to products non-benefiting from any kind of export subsidies.

<sup>(11)</sup> Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column and should be submitted to the duty applicable at the moment of import.

<sup>(12)</sup> As liquid egg-yolk equivalent: 1 kg dried egg yolks = 2,12 kg liquid eggs.

<sup>(13)</sup> As liquid equivalent: 1 kg dried eggs = 3,9 liquid eggs.

<sup>(14)</sup> Excluding tenderloin presented alone.



▼ **M121***ANNEX TO ANNEX A(b)***Minimum import price arrangement for certain soft fruit for processing**

1. Minimum import prices are fixed as follows for the following products for processing originating in the Czech Republic:

CN code	Description	Minimum import price (EUR/100 kg net)
ex 0810 20 10	Raspberries, fresh	63,1
ex 0810 30 10	Blackcurrants, fresh	38,5
ex 0810 30 30	Redcurrants, fresh	23,3
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	75,0
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	57,6
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	99,5
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	79,6
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	99,5
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	79,6
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	39,0
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	29,5

2. The minimum import prices, as set out in Article 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
3. If the import prices of a given product covered by this Annex show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Czech authorities in order to enable them to correct the situation.
4. At the request of either the Community or the Czech Republic, the Association Committee shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Committee shall take the necessary decisions.

**▼ M121**

5. To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting will be organised three months before the beginning of each marketing year in the Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, of the one part and the authorities', producers' and exporters' organisations of all the associated exporting countries, of the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

▼ **M121**

## ANNEX B(a)

**Custom duties on imports applicable in the Czech Republic to products originating in the Community and listed below shall be abolished**

Czech customs code <sup>(1)</sup>	Czech customs code <sup>(1)</sup>	Czech customs code <sup>(1)</sup>	Czech customs code <sup>(1)</sup>	Czech customs code <sup>(1)</sup>	Czech customs code <sup>(1)</sup>
0105 19 20	0604 91 29	0809 20 05	0904 20 90	1515 21 10	2008 30 59
0105 19 90	0604 91 41	0809 20 95	0909 30 00	1515 21 90	2008 30 71
0206 10 10	0604 91 49	0809 30	0909 40 00	1515 29 10	2008 30 75
0206 10 91	0604 91 90	0809 40 05	1001 10 00	1515 29 90	2008 30 79
0206 10 99	0604 99 10	0810 20 10	1105 20 00	1515 90 59	2008 30 90
0206 21 00	0604 99 90	0810 20 90	1204 00 90	1518 00 31	2008 50
0206 22 00	0701 10 00	0810 30 10	1206 00 10	1518 00 39	2008 70
0206 29 10	0703 10 11	0810 30 30	1207 50 10	1703 10 00	2008 92 72
0206 29 99	0703 10 90	0810 30 90	1207 50 90	1703 90 00	2008 99 41
0206 30 20	0703 20 00	0810 40 10	1207 91 10	2001 90 20	2008 99 51
0206 30 30	0704 90 10	0810 40 30	1207 91 90	2001 90 50	2009 50 10
0206 30 80	0705 19 00	0810 40 50	1209 10 00	2001 90 65	2009 50 90
0206 41 20	0705 21 00	0810 40 90	1209 21 00	2001 90 70	2009 61
0206 41 80	0705 29 00	0811 10 19	1209 22 10	2001 90 75	2009 71
0206 49 20	0708 10 00	0811 10 90	1209 22 80	2001 90 85	2009 79 19
0206 49 80	0708 90 00	0811 20 19	1209 23 11	2001 90 91	2009 79 30
0206 80 10	0709 51 00	0811 20 31	1209 23 15	2002 10 10	2009 79 93
0206 80 91	0709 60 10	0811 20 39	1209 23 80	2002 10 90	2009 79 99
0206 80 99	0709 60 99	0811 20 51	1209 24 00	2002 90 11	2009 80 19
0206 90 10	0709 90 10	0811 20 59	1209 25 10	2002 90 19	2009 80 36
0206 90 91	0709 90 60	0811 20 90	1209 25 90	2002 90 31	2009 80 38
0206 90 99	0709 90 90	0811 90 31	1209 26 00	2002 90 39	2009 80 50
0407 00 11	0710 80 59	0811 90 39	1209 29 10	2002 90 91	2009 80 63
0407 00 19	0710 80 70	0811 90 50	1209 29 50	2002 90 99	2009 80 69
0407 00 30	0710 80 95	0811 90 70	1209 29 60	2005 60 00	2009 80 71
0407 00 90	0710 90 00	0811 90 75	1209 29 80	2005 90 10	2009 80 73
0409 00 00	0711 40 00	0811 90 80	1210 10 00	2005 90 60	2009 80 79
0410 00 00	0711 90 10	0811 90 85	1210 20 10	2005 90 70	2009 80 88
0601 20 10	0711 90 50	0811 90 95	1210 20 90	2005 90 80	2009 80 89
0601 20 30	0711 90 80	0812 10 00	1302 19 05	2006 00 91	2009 80 96
0601 20 90	0712 20 00	0812 90 10	1502 00 10	2006 00 99	2009 80 97
0602 10 10	0712 90 05	0812 90 40	1502 00 90	2007 99 10	2009 80 99
0602 10 90	0712 90 11	0812 90 50	1503 00	2008 20 19	2009 90 19
0602 20 10	0712 90 30	0812 90 60	1511 90 19	2008 20 39	2009 90 29
0602 20 90	0712 90 50	0812 90 70	1511 90 91	2008 20 51	2009 90 39
0602 30 00	0712 90 90	0812 90 99	1511 90 99	2008 20 59	2009 90 51
0602 40 10	0713 10 10	0813	1512 11 91	2008 20 71	2009 90 59
0602 40 90	0713 10 90	0901 11 00	1512 19 91	2008 20 79	2009 90 95
0602 90 10	0713 40 00	0901 12 00	1513 19 11	2008 20 91	2009 90 96
0602 90 30	0806 20	0901 21 00	1513 29 19	2008 20 99	2009 90 97
0602 90 91	0807 11 00	0901 22 00	1513 29 91	2008 30 11	2009 90 98
0602 90 99	0807 19 00	0901 90 10	1513 29 99	2008 30 31	
0603 90 00	0808 10 10	0901 90 90	1515 11 00	2008 30 39	
0604 10 90	0808 20 90	0904 20 10	1515 19 10	2008 30 51	
0604 91 21	0809 10	0904 20 30	1515 19 90	2008 30 55	

<sup>(1)</sup> As defined in Decree of the Government of the Czech Republic No 480/2001 on the Customs Tariff of the Czech Republic.

▼ **M121**

## ANNEX B(b)

**Imports into the Czech Republic of the following products originating in the Community shall be subject to the concessions set out below**

Czech customs code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable <i>ad valorem</i> duty <sup>(3)</sup>	Quantity <sup>(4)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
ex 0203	Meat of domestic swine, fresh, chilled or frozen	Free	13 000	14 500	1 500	(4) (5)
0210 11 to 0210 19	Meat of swine, salted, in brine, dried or smoked	Free				
0203 19 55 0203 29 55	Meat of swine, other	15	Unlimited	Unlimited		
0204	Sheep meat	Free	150	300	0	
0207	Poultry, fresh, chilled or frozen	Free	5 200	5 800	600	(4) (5)
0402	Milk powder and condensed milk	Free	1 000	1 000	0	(4) (5)
0403 10 11 to 0403 10 39 0403 90 11 to 0403 90 69	Buttermilk and yoghurts and other fermented or acidified milk and cream	Free	250	500	0	(4)
0403 10 11 to 0403 10 39	Buttermilk and yoghurts and other fermented or acidified milk and cream	5	Unlimited	Unlimited		
0403 90 11 to 0403 90 69		12,5	Unlimited	Unlimited		
0404	Whey and products consisting of natural milk constituents	Free	300	600	0	(4)
ex 0405	Butter and other fats and oils derived from milk excluding CN codes 0405 20 10 and 0405 20 30	Free	573	800	0	(4) (5)
0406	Cheese and curd	Free	6 630	7 395	765	(4) (5)
0408 11	Birds' egg yolks, dried	14,5	Unlimited	Unlimited		
0408 91	Birds' eggs, dried	14,5	Unlimited	Unlimited		

▼ **M121**

Czech customs code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable <i>ad valorem</i> duty <sup>(3)</sup>	Quantity <sup>(3)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
ex 0603 10 10	Cut flowers and flower buds, fresh (from 1 January to 31 May) (from 1 November to 31 December)	2	Unlimited	Unlimited		
ex 0603 10 20		2	Unlimited	Unlimited		
ex 0603 10 40		2	Unlimited	Unlimited		
ex 0603 10 50		2	Unlimited	Unlimited		
ex 0603 10 80		2	Unlimited	Unlimited		
ex 0603 10 10	Cut flowers and flower buds, fresh (from 1 June to 31 October)	14,5	Unlimited	Unlimited		
ex 0603 10 20		14,5	Unlimited	Unlimited		
ex 0603 10 40		14,5	Unlimited	Unlimited		
ex 0603 10 50		14,5	Unlimited	Unlimited		
ex 0603 10 80		14,5	Unlimited	Unlimited		
0701 90 10 0701 90 90	Potatoes, other	6	15 000	15 000	0	
ex 0702 00	Fresh tomatoes	8	2 000	2 000	0	
ex 0704 10 00	Cauliflowers and headed broccoli (from 15 April to 30 November)	6	Unlimited	Unlimited		
0704 90 90	Other	6	Unlimited	Unlimited		
ex 0705 11 00	Cabbage lettuce from 1 April to 30 November)	5,9	Unlimited	Unlimited		
0710 21 00	Peas, frozen	4,5	Unlimited	Unlimited		
ex 0806 10 10	Table grapes (from 1 January to 14 July) (from 1 November to 31 December)	Free	Unlimited	Unlimited		
ex 0808 10 20	Golden delicious (from 1 August to 31 December)	10	Unlimited	Unlimited		
ex 0808 10 50	Granny Smith (from 1 August to 31 December)	10	Unlimited	Unlimited		
ex 0808 10 90	Other (from 1 August to 31 December)	10	Unlimited	Unlimited		

## ▼ M121

Czech customs code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable <i>ad valorem</i> duty <sup>(3)</sup>	Quantity <sup>(3)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
1001 90	Wheat and meslin	Free	25 000	50 000	0	(4)
1002	Rye	Free	5 000	10 000	0	(4)
1003	Barley	Free	20 000	40 000	0	(4)
1004	Oats	Free	5 000	10 000	0	(4)
1005 90 00	Maize, other	Free	42 150	10 000	0	(4) (5)
1008	Buckwheat, millet and canary seed, other cereals	Free	5 000	10 000	0	(4)
1107	Malt	Free	2 500	5 000	0	(4)
1515 90 51	Otherfixed vegetable fats and oils, other	12,7	Unlimited	Unlimited		
1515 90 91		12,7	Unlimited	Unlimited		
1515 90 99		12,7	Unlimited	Unlimited		
1516 10	Animal fats and oils	10	400	400	0	
1516 20	Vegetable fats and oils	9	1 000	1 000	0	
1516 20 95	Vegetable fats and oils	Free	2 000	2 000	0	
1516 20 96		Free				
1516 20 98		Free				
1517 10 90	Margarine	10	530	530	0	
1601 00	Sausages and similar products	Free	3 680	4 370	690	(4)
1602 41 to 1602 49	Prepared or preserved meat of swine					
1602 31 to 1602 39	Prepared or preserved meat of poultry	Free	1 300	1 450	150	(4)
ex 1602 20 90	Pâtés, different sizes	9	479	479	0	
1602 50	Prepared or preserved meat, meat offal or blood of bovine animal, other	9				
2001 10 00	Cucumbers, preserved	Free	1 300	1 450	150	

## ▼ M121

Czech customs code <sup>(1)</sup>	Description <sup>(2)</sup>	Applicable <i>ad valorem</i> duty <sup>(3)</sup>	Quantity <sup>(3)</sup> from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2007 10 10	Homogenised preparations with a sugar content exceeding 13 % by weight	Free	445	500	0	(4) (5)
2008 92	Mixtures of fruits	4	Unlimited	Unlimited		
2009 69	Grape juice, other	2	Unlimited	Unlimited		
2009 79 11 2009 79 91	Apple juice	10	Unlimited	Unlimited		
2309 90	Animal feed	1,2	Unlimited	Unlimited		
2401	Unmanufactured tobacco	2,4	2 000	2 000	0	

(1) As defined in Decree of the Government of the Czech Republic No 480/2001 on the Customs Tariff of the Czech Republic.

(2) The wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the code. Where ex codes are indicated, the preferential scheme is to be determined by application to the code and corresponding description taken together.

(3) Only applicable with effect from the date of entry into force of this Protocol.

(4) This concession is only applicable to products non-benefiting from any kind of export subsidies and accompanied by a certificate (see Annex) indicating that no export refunds have been paid.

(5) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column and should be submitted to the duty applicable at the moment of import.

▼ **M121**

ANNEX TO ANNEX B(b)

EUROPEAN COMMUNITY — EXPORT LICENCE OR ADVANCE FIXING CERTIFICATE A G R E X

<b>HOLDER'S COPY</b>	<b>1</b>	1. <b>Agency issuing the licence or certificate</b> (name and address)	2. Issuing agency's embossment and perforation (*)	No /	
			3.		
		4. <b>Issued</b> (name, full address and Member State)	5. <b>Agency issuing the extract</b> (name and address)		
		6. Rights transferred to:	7. Receiving country Compulsory		
		with effect from [ ][ ][ ]	<input type="checkbox"/> YES <input type="checkbox"/> NO		
		Stamp of the competent agency:	8. Advance fixing requested		9. Tendering requested
			<input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> YES <input type="checkbox"/> NO
			10. Date of lodging original licence/certificate application [ ][ ][ ] [ ][ ][ ]		
			11. Total amount of security		
			12. LAST DAY OF VALIDITY [ ][ ][ ] [ ][ ][ ]		
<b>1</b>	13. PRODUCT TO BE EXPORTED				
	14. Trade denomination				
	15. Description in accordance with the Combined Nomenclature (CN)		16. CN code(s)		
	17. Quantity (?) in figures	18. Quantity (?) in words	19. Tolerance % more		
	20. Special particulars				
	21. REFUND VALID ON [ ][ ][ ] [ ][ ][ ] FIXED IN ADVANCE				
	22. Special conditions				
	23. Issued at on [ ][ ][ ] under No		24. Term of validity extended until inclusive for (?) [ ][ ][ ]		
	Signature and stamp of agency issuing the licence or certificate:		At [ ][ ][ ] , on [ ][ ][ ] Issuing agency's signature and stamp:		

(\*) To be completed if the signature and the stamp do not appear in box 23.  
(?) Net mass or other unit of measurement indicating unit.



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<b>27. ATTRIBUTIONS</b> Indicate the quantity available in part 1 of column 29 and the quantity attributed in part 2 thereof			
28. Net quantity (mass weight or other unit of measure stating the unit)		31. Customs document (form and No) or extract No and date of attribution	32. Name, Member State, stamp and signature of the attributing authority
29. In figures	30. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

33. Extension pages to be attached hereto.

▼ **M121***ANNEX C***AGREEMENT****between the European Community and the Czech Republic on reciprocal preferential trade concessions for certain wines**

1. Imports into the Community of the following products originating in the Czech Republic shall be subject to the concessions set out below:

CN code	Description	Applicable duty	Yearly quantities (hl)
ex 2204 10	Sparkling wine	Exemption	13 000
ex 2204 21	Wine of fresh grapes		
ex 2204 29			

2. The Community shall grant a preferential zero duty within tariff quotas as mentioned under point 1, subject to the condition that no export subsidies shall be paid for exports of these quantities by the Czech Republic.
3. Imports into the Czech Republic of the following products originating in the Community shall be subject to the concessions set out below:

Czech customs tariff code	Description	Applicable duty	Yearly quantities (hl)
2204 10 11	Quality sparkling wine	Exemption	20 000
ex 2204 10 19	Quality sparkling wine <sup>(1)</sup>		
2204 2111-78 2204 2181-82 2204 2187-98 2204 2912-75 2204 2981-82 2204 2987-98	Quality wine of fresh grapes	25 %	300 000
2204 29	Wine of fresh grapes		

<sup>(1)</sup> Excluding sparkling wine made with the addition of CO<sub>2</sub>.

4. The Czech Republic shall grant a preferential zero duty within tariff quotas as mentioned under point 3, subject to the condition that no export subsidies shall be paid for exports of these quantities by the Community.
5. This Agreement shall cover wine
- (a) which has been produced from fresh grapes wholly produced and harvested in the territory of the Contracting Party in question; and
- (b) (i) originating in the Community, which has been produced in accordance with the rules governing the oenological practices and processes referred to in Title V of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>;

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1; Regulation as last amended by Regulation (EC) No 2585/2001 (OJ L 345, 29.12.2001, p. 10).

**▼ M121**

- (ii) originating in the Czech Republic, which has been produced in accordance with the rules governing the oenological practices and processes in conformity with the Czech law. These oenological rules referred to shall be in conformity with the Community legislation.
6. Imports of wine under the concessions provided in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on the lists drawn up jointly, to the effect that the wine in question complies with point 5(b).
  7. The Contracting Parties shall examine the opportunities for granting each other further concessions taking into account the development of wine trade between the Contracting Parties.
  8. The Contracting Parties shall ensure that the benefits granted reciprocally are not called into question by other measures.
  9. Consultations are to take place at the request of either Contracting Party on any problem relating to the way this Agreement operates.
  10. This Agreement shall apply, on the one hand, in the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of the Czech Republic.

▼ M122**PROTOCOL****adjusting the trade aspects of the Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part, to take account of the outcome of negotiations between the parties on new mutual agricultural concessions**

THE EUROPEAN COMMUNITY, hereinafter referred to as 'the Community',

of the one part, and

THE SLOVAK REPUBLIC,

of the other part,

Whereas:

- (1) The Europe Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part (hereinafter referred to as 'the Europe Agreement') was signed in Luxembourg on 4 October 1993 and entered into force on 1 February 1995 <sup>(1)</sup>.
- (2) Article 21(5) of the Europe Agreement provides that the Community and the Slovak Republic shall examine in the Association Council, product by product and on an orderly and reciprocal basis, the possibility of granting each other additional agricultural concessions. On this basis negotiations have been undertaken and were concluded between the parties.
- (3) For the first time, improvements to the preferential agricultural regime of the Europe Agreement were provided for in the Protocol adjusting trade aspects of the Europe Agreement <sup>(2)</sup> to take account of the last enlargement of the Community and the outcome of the GATT Uruguay Round.
- (4) Two further rounds of negotiations for improved agricultural trade concessions were concluded on 3 May 2000 and 21 June 2002.
- (5) From the one side, the Council decided, by virtue of Council Regulation (EC) No 2434/2000 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreement with the Slovak Republic <sup>(3)</sup>, to apply on a provisional basis, as from 1 July 2000, the Community concessions resulting from the 2000 round of negotiations and from the other side the Government of the Slovak Republic took legislative provisions to apply, as from the same date, the equivalent Slovak concessions.
- (6) The abovementioned concessions will be supplemented and replaced on the date of entry into force of this Protocol by the concessions provided for herein,

HAVE AGREED AS FOLLOWS:

<sup>(1)</sup> OJ L 359, 31.12.1994, p. 2.

<sup>(2)</sup> OJ L 306, 16.11.1998, p. 3.

<sup>(3)</sup> OJ L 280, 4.11.2000, p. 9.

▼ M122*Article 1*

The arrangements for import into the Community applicable to certain agricultural products originating in the Slovak Republic as set out in Annexes A(a) and A(b) and the arrangements for import into the Slovak Republic applicable to certain agricultural products originating in the Community as set out in Annexes B(a) and B(b) to this Protocol shall replace those set out in Annexes XI and XII as referred to in Article 21(2) and (4), as amended, of the Europe Agreement. The agreement between the Community and the Slovak Republic on reciprocal preferential trade concessions for certain wines, set out in Annex C, shall form an integral part of this Protocol.

*Article 2*

This Protocol shall form an integral part of the Europe Agreement. The Annexes to this Protocol shall form an integral part thereof.

*Article 3*

This Protocol shall be approved by the Community and the Slovak Republic in accordance with their corresponding procedures. The Contracting Parties shall take the necessary measures to implement this Protocol.

The Contracting Parties shall notify each other of the accomplishment of the abovementioned procedures.

*Article 4*

Subject to completion of the procedures provided for in Article 3, this Protocol shall enter into force on 1 January 2003. Should these procedures not be completed in time, it shall enter into force on the first day of the first month following the Contracting Parties' notification of the accomplishment of the procedures.

*Article 5*

This Protocol shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Slovak languages, each of these texts being equally authentic.

Hecho en Bruselas, el veinticuatro de abril del dos mil tres.

Udfærdiget i Bruxelles den fireogtyvende april tusind og tre.

Geschehen zu Brüssel am vierundzwanzigsten April zweitausendunddrei.

Έγινε στις Βρυξέλλες, στις είκοσι τέσσαρις Απριλίου δύο χιλιάδες τρία.

Done at Brussels on the twenty-fourth day of April in the year two thousand and three.

Fait à Bruxelles, le vingt-quatre avril deux mille trois.

Fatto a Bruxelles, addì ventiquattro aprile duemilatre.

Gedaan te Brussel, de vierentwintigste april tweeduizenddrie.

Feito em Bruxelas, em vinte e quatro de Abril de dois mil e três.

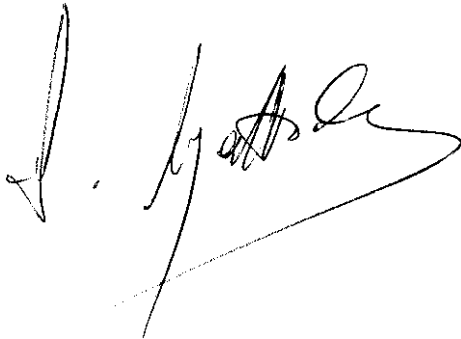
Tehty Brysselissä kahdentenakymmenentenänäljätänä päivänä huhtikuuta vuonna kaksituhattakolme.

Som skedde i Bryssel den tjugofjärde april tjugohundratre.

V Bruseli dvadsiatchoštvrtého apríla dvetisietri.

▼ M122

Por la Comunidad Europea  
For Det Europæiske Fællesskab  
Für die Europäische Gemeinschaft  
Για την Ευρωπαϊκή Κοινότητα  
For the European Community  
Pour la Communauté européenne  
Per la Comunità europea  
Voor de Europese Gemeenschap  
Pela Comunidade Europeia  
Euroopan yhteisön puolesta  
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, appearing to be 'J. P. ...', written in a cursive style.

Za Slovenskú republiku

A large, stylized handwritten signature in black ink, possibly reading 'R. ...', written in a cursive style.

▼ **M122**

## ANNEX A(a)

**Customs duties on imports applicable in the Community to products originating in the Slovak Republic and listed below shall be abolished**

CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>	CN code <sup>(1)</sup>
0101 10 90	0709 40 00	0802 12 90	0904 12 00	1512 11 91	2008 92 38
0101 90 19	0709 51 00	0802 21 00	0904 20	1512 19 91	2008 92 59
0101 90 30	0709 52 00	0802 22 00	0905 00 00	1512 21	2008 92 72
0101 90 90	0709 59	0802 31 00	0907 00 00	1512 29	2008 92 74
0104 20 10	0709 70 00	0802 32 00	0910 20 90	1513	2008 92 78
0106 19 10	0709 90 10	0802 40 00	0910 40	1515	2008 92 93
0106 39 10	0709 90 20	0802 50 00	0910 91 90	1516 20 95	2008 92 98
0205 00	0709 90 40	0802 90 50	0910 99 99	1516 20 96	2008 99 11
0206 80 91	0709 90 50	0802 90 60	1006 10 10	1516 20 98	2008 99 19
0206 90 91	0709 90 90	0802 90 85	1007 00 10	1518 00 31	2008 99 23
0207 13 91	0710 10 00	0806 20	1105 20 00	1518 00 39	2008 99 28
0207 14 91	0710 21 00	0808 20 90	1106 10 00	1518 00 91	2008 99 37
0207 26 91	0710 22 00	0809 40 90	1106 30 90	1518 00 95	2008 99 40
0207 27 91	0710 29 00	0810 40 30	1208 10 00	1518 00 99	2008 99 43
0207 35 91	0710 30 00	0810 40 50	1209 10 00	1522 00 91	2008 99 45
0207 36 89	0710 80 51	0810 40 90	1209 21 00	1602 90 10	2008 99 49
0208 10 11	0710 80 59	0810 50 00	1209 23 80	1602 90 31	2008 99 68
0208 10 19	0710 80 61	0810 60 00	1209 29 50	1602 90 41	2008 99 99
0208 20 00	0710 80 69	0810 90 95	1209 29 60	1602 90 72	2009 11 19
0208 30 00	0710 80 70	0811 20 59	1209 29 80	1602 90 74	2009 11 99
0208 40	0710 80 85	0811 20 90	1209 30 00	1602 90 76	2009 19 19
0208 50 00	0710 80 95	0811 90 50	1209 91	1602 90 78	2009 29 11
0208 90 10	0710 90 00	0811 90 70	1209 99 91	1602 90 98	2009 29 19
0208 90 55	0711 30 00	0811 90 75	1209 99 99	1603 00 10	2009 29 91
0208 90 60	0711 40 00	0811 90 80	1210	2001 90 20	2009 29 99
0208 90 95	0711 59 00	0811 90 85	1211 90 30	2001 90 50	2009 31 11
0210 99 10	0711 90 10	0811 90 95	1212 10 10	2003 20 00	2009 39 31
0210 99 39	0711 90 50	0812 10 00	1212 10 99	2003 90 00	2009 41
0210 99 59	0711 90 80	0812 90 10	1214 90 10	2005 60 00	2009 49 19
0210 99 79	0711 90 90	0812 90 30	1302 19 05	2005 90 10	2009 49 30
0210 99 80	0712 20 00	0812 90 40	1503 00 19	2005 90 50	2009 49 93
0407 00 90	0712 31 00	0812 90 50	1503 00 90	2007 91 90	2009 49 99
0409 00 00	0712 32 00	0812 90 60	1504 10 10	2007 99 10	2009 80 19
0410 00 00	0712 33 00	0812 90 70	1504 10 99	2007 99 91	2009 80 38
06	0712 39 00	0812 90 99	1504 20 10	2007 99 93	2009 80 50
0701 10 00	0712 90 05	0813	1504 30 10	2008 19 11	2009 80 63
0701 90 50	0712 90 30	0814 00 00	1507	2008 19 19	2009 80 69
0703 10 11	0712 90 50	0901 12 00	1508	2008 19 51	2009 80 71
0703 20 00	0712 90 90	0901 21 00	1511 10 90	2008 19 95	2302 50 00
0703 90 00	0713 50 00	0901 22 00	1511 90 19	2008 19 99	2306 90 19
0709 20 00	0713 90	0901 90 90	1511 90 91	2008 92 14	2308 00 90
0709 30 00	0714 90 90	0902 10 00	1511 90 99	2008 92 34	2309

<sup>(1)</sup> As defined in Commission Regulation (EC) No 2031/2001 of 6 August 2001, amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 279, 23.10.2001).

▼ **M122**

## ANNEX A(b)

**Imports into the Community of the following products originating in the Slovak Republic shall be subject to the concessions set out below**

(MFN = most-favoured-nation duty)

CN code	Description (1)	Applicable duty (2) (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0102 90 05	Live bovine animals of a live weight not exceeding 80 kg	20	178 000 heads	178 000 heads	0	(3) (9)
01029021 01029029 01029041 01029049	Live bovine animals of a live weight exceeding 80 kg but not exceeding 300 kg	20	153 000 heads	153 000 heads	0	(3) (9)
ex 0102 90	Heifers and cows not for slaughter of the following mountain breeds: grey, brown, yellow, spotted Simmental and Pinzgau	6 % <i>ad valorem</i>	7 000 heads	7 000 heads	0	(4) (9)
01041030 01041080 01042090	Live sheep or goats	free	4 300	4 300	0	(5) (9)
0201 0202	Meat of bovines, fresh, chilled or frozen	free	3 500	3 500	0	(8) (9)
ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	2 800	3 000	300	(8) (9) (12)
0210 11 to 0210 19	Meat of swine, salted, in brine, dried or smoked	free				(8) (9)
0204	Meat of sheep or goats	free	Unlimited	Unlimited		(8)
0206 10 to 29 0210 20	Meat of bovine animals (offal)	free	500	1 000	0	(8)
ex 0207	Poultry, fresh, chilled or frozen (other than 0207 13 91, 0207 14 91, 0207 26 91, 0207 27 91, 0207 35 91, 0207 36 89)	free	1 560	1 740	180	(8) (9)
1602 31 to 1602 39	Prepared or preserved meat of poultry					



## ▼ M122

CN code	Description <sup>(1)</sup>	Applicable duty <sup>(2)</sup> (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0402	Milk powder and condensed milk	free	2 500	3 500	0	(8) (9)
0403 10 11 to 39 0403 90 11 to 69	Buttermilks, yoghurts and other fermented or acidified milk and cream					
0404	Whey and products consisting of natural milk constituents	free	250	500	0	(8) (9)
ex 0405	Butter and other fats and oils derived from milk except CN codes 0405 20 10 and 0405 20 30	free	750	750	0	(8) (9)
0406	Cheese and curd	free	2 930	3 000	300	(8) (9)
0407 00 11 0407 00 19 0407 00 30	Eggs of poultry in shell	20	3 125	3 125	0	(9)
0408 11 80	Egg yolks, dried	20	250	250	0	(9) (10)
0408 19 81	Egg yolks, liquid					
0408 19 89	Egg yolks, frozen					
0408 91 80	Birds' eggs, dried	20	1 250	1 250	0	(9) (11)
0408 99 80	Birds' eggs, other					
0702 00 00	Tomatoes, fresh or chilled	free	2 600	2 900	300	(7) (8) (9)
ex 0707 00 05	Cucumbers, fresh or chilled (from 16 May to 31 October)	80	Unlimited	Unlimited		(7)
ex 0708 10 00	Fresh or chilled peas, from 1 September to 31 May	free	Unlimited	Unlimited		
ex 0708 10 00	Fresh or chilled peas, from 1 June to 31 August	free	130	145	15	(9)

## ▼ M122

CN code	Description (1)	Applicable duty (2) (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0709 90 70	Courgettes	free	Unlimited	Unlimited		(7)
0806 10 10	Table grapes	free	Unlimited	Unlimited		(7)
0808 10	Apples, fresh	free	7 625	15 000	0	(7) (8) (9)
0809 20	Cherries	free	Unlimited	Unlimited		(7)
0809 30 90	Peaches	free	Unlimited	Unlimited		(7)
0809 40 05	Plums	free	Unlimited	Unlimited		(7)
0810 20	Raspberries, blackberries, mulberries and loganberries	free	250	250	0	(6) (9)
0810 20 10	Raspberries, fresh	41	Unlimited	Unlimited		(6)
0810 30 10	Blackcurrants, fresh	free	130	145	15	(6) (9)
0810 30 10	Blackcurrants, fresh	41	Unlimited	Unlimited		(6)
0810 30 30	Redcurrants, fresh	free	130	145	15	(6) (9)
0810 30 30	Redcurrants, fresh	41	Unlimited	Unlimited		(6)
0810 30 90	Other berries	24	Unlimited	Unlimited		
0811 10 90	Strawberries, frozen	36	Unlimited	Unlimited		(6)
0811 20 19	Berries, containing added sugar, frozen	free	Unlimited	Unlimited		(6)
0811 20 31	Raspberries, not containing added sugar, frozen	free	Unlimited	Unlimited		(6)
0811 20 39	Blackcurrants, frozen	free	330	370	40	(6) (9)
0811 20 39	Blackcurrants, frozen	28	Unlimited	Unlimited		(6)
0811 20 51	Redcurrants, frozen	free	350	390	40	(6) (9)
0811 20 51	Redcurrants, frozen	33	Unlimited	Unlimited		(6)

▼ **M122**

CN code	Description <sup>(1)</sup>	Applicable duty <sup>(2)</sup> (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
ex 0811	Other than 0811 10 90, 0811 20 19, 0811 20 31, 0811 20 39, 0811 20 51, 0811 20 59, 0811 20 90, 0811 90 50, 0811 90 70, 0811 90 75, 0811 90 80, 0811 90 85, 0811 90 95	20	250	250	0	<sup>(9)</sup>
1001	Wheat and meslin	free	50 000	100 000	0	<sup>(8)</sup>
1002	Rye	free	1 000	2 000	0	<sup>(8)</sup>
1003	Barley	free	16 000	15 000	0	<sup>(8)</sup> <sup>(9)</sup>
1004	Oats	free	500	1 000	0	<sup>(8)</sup>
1005 10 90 1005 90 00	Maize	free	35 000	70 000	0	<sup>(8)</sup>
1008	Buckwheat, millet and canary seed, other cereals	free	500	1 000	0	<sup>(8)</sup>
1101 00	Wheat and meslin flour	20	16 875	16 875	0	<sup>(9)</sup>
1107 10 99	Malt, not roasted, other than of wheat	free	18 125	18 125	0	<sup>(9)</sup>
1601 00	Sausages and similar products	free	300	350	50	<sup>(8)</sup> <sup>(9)</sup>
1602 41 to 1602 49	Prepared or preserved meat of swine					
1602 50	Other prepared or preserved meat, meat offal or blood of bovine animal	free	100	200	0	<sup>(8)</sup>
1703	Molasses	free	Unlimited	Unlimited		<sup>(8)</sup>
2001 10 00	Cucumbers, preserved	free	125	125	0	<sup>(9)</sup>
ex 2001 90 96	Asparagus	free	130	145	15	<sup>(9)</sup>
2002	Tomatoes, prepared or preserved	free	1 300	1 450	150	<sup>(8)</sup> <sup>(9)</sup>

▼ **M122**

CN code	Description (1)	Applicable duty (2) (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions	
2007 99 31	Cherry jams, jellies, marmalades, purées and pastes with a sugar content exceeding 30 % by weight	83	Unlimited	Unlimited		(7)	
2009 12 00	Fruit juices	free	500	600	100	(9)	
2009 19 98							
2009 21 00							
2009 31 19							
2009 31 51							
2009 31 59							
2009 31 91							
2009 31 99							
2009 39 19							
2009 39 39							
2009 39 55							
2009 39 59							
2009 39 95							
2009 39 99							
2009 61 10							(7)
2009 61 90							
2009 69 11							
2009 69 19							(7)
2009 69 51							(7)
2009 69 59							(7)
2009 69 90							
2009 71 2009 79	Apple juice	free	250	250	0	(7) (9)	
2009 71	Apple juice	48	Unlimited	Unlimited			
2009 79 30	Apple juice	48	Unlimited	Unlimited			
2009 79 93	Apple juice	48	Unlimited	Unlimited			

## ▼ M122

CN code	Description <sup>(1)</sup>	Applicable duty <sup>(2)</sup> (% of MFN)	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2009 79 99	Apple juice	48	Unlimited	Unlimited		
2009 80 99	Blackcurrant juice	36	Unlimited	Unlimited		

(1) Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN code. Where ex CN codes are indicated, the preferential scheme is to be determined by application to the CN code and corresponding description taken together.

(2) In cases where a MFN minimum duty exists, the applicable minimum duty is equal to the MFN minimum duty multiplied by the percentage indicated in this column.

(3) The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic. Where it appears likely that total Community imports of live bovine animals may exceed 500 000 heads in a given marketing year the Community may take the management measures needed to protect its market, not withstanding any other rights given under the Agreement.

(4) The quota for this product is opened for Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and the Slovak Republic.

(5) The Community may take into account, in the framework of its legislation and when appropriate the supply needs of its market and the need to maintain its market balance.

(6) Subject to minimum import price arrangements contained in the Annex to the present Annex.

(7) The reduction applies only to the *ad valorem* part of the duty.

(8) This concession is only applicable to products non-benefiting from any kind of export subsidies.

(9) Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column and should be submitted to the duty applicable at the moment of import.

(10) As liquid egg-yolk equivalent: 1 kg dried egg yolks = 2,12 kg liquid eggs.

(11) As liquid equivalent: 1 kg dried eggs = 3,9 liquid eggs.

(12) Excluding tenderloin presented alone.

▼ **M122***ANNEX TO ANNEX A(b)***Minimum import price arrangement for certain soft fruit for processing**

1. Minimum import prices are fixed as follows for the following products for processing originating in the Slovak Republic:

CN Code	Description	Minimum import price (EUR/100 kg net)
ex 0810 20 10	Raspberries, fresh	63,1
ex 0810 30 10	Blackcurrants, fresh	38,5
ex 0810 30 30	Redcurrants, fresh	23,3
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	75,0
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	57,6
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	99,5
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	79,6
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	99,5
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	79,6
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	39,0
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	29,5

2. The minimum import prices, as set out in Article 1, will be respected on a consignment by consignment basis. In the case of a customs declaration value being lower than the minimum import price, a countervailing duty will be charged equal to the difference between the minimum import price and the customs declaration value.
3. If the import prices of a given product covered by this Annex show a trend suggesting that the prices could go below the level of the minimum import prices in the immediate future, the European Commission will inform the Slovak authorities in order to enable them to correct the situation.
4. At the request of either the Community or the Slovak Republic, the Association Committee shall examine the functioning of the system or the revision of the level of the minimum import prices. If appropriate, the Association Committee shall take the necessary decisions.

**▼ M122**

5. To encourage and promote the development of trade and for the mutual benefit of all parties concerned, a consultation meeting will be organised three months before the beginning of each marketing year in the Community. This consultation meeting will take place between the European Commission and the interested European producers' organisations for the products concerned, of the one part and the authorities', producers' and exporters' organisations of all the associated exporting countries, of the other part.

During this consultation meeting, the market situation for soft fruit including, in particular, forecasts for production, stock situation, price evolution and possible market development, as well as possibilities to adapt supply to demand, will be discussed.

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## ANNEX B(a)

**Customs duties on imports applicable in the Slovak Republic to products originating in the Community and listed below shall be abolished**

SLK customs code <sup>(1)</sup>	SLK customs code <sup>(1)</sup>	SLK customs code <sup>(1)</sup>	SLK customs code <sup>(1)</sup>	SLK customs code <sup>(1)</sup>	SLK customs code <sup>(1)</sup>
0101 90 19	0210 99 80	0809 30 90	1209 29 60	1516 20 95	2008 92 76
0102 90 90	0407 00 90	0809 40 05	1209 21 00	1516 20 96	2008 92 78
0103 91 90	0408 11 20	0810 40 10	1209 22 10	1516 20 98	2008 92 92
0103 92 90	0408 19 20	0810 40 30	1209 22 80	1518 00 31	2008 92 93
0206 10 10	0408 91 20	0810 40 50	1209 23 11	1518 00 39	2008 92 94
0206 10 91	0408 99 20	0810 40 90	1209 23 15	1518 00 91	2008 92 97
0206 10 99	0409 00 00	0811 20 19	1209 23 80	1518 00 95	2008 92 98
0206 21 00	0410 00 00	0811 20 31	1209 24 00	1518 00 99	2008 99 11
0206 22 00	06	0811 20 59	1209 25 10	1602 90 10	2008 99 19
0206 29 10	0701 10 00	0811 20 90	1209 25 90	1602 90 31	2008 99 23
0206 29 99	0703 10 11	0811 90 31	1209 26 00	1602 90 41	2008 99 25
0206 30 20	0703 90 00	0811 90 50	1209 29 10	1602 90 72	2008 99 26
0206 30 31	0709 51 00	0811 90 70	1209 29 50	1602 90 74	2008 99 28
0206 30 80	0709 70 00	0811 90 75	1209 29 80	1602 90 76	2008 99 36
0206 41 20	0709 90 10	0811 90 80	1210 10 00	1602 90 78	2008 99 37
0206 41 80	0709 90 90	0811 90 85	1210 20 10	1602 90 98	2008 99 38
0206 49 20	0710 21 00	0811 90 95	1210 20 90	2001 90 20	2008 99 40
0206 49 80	0710 22 00	0812 10 00	1302 19 05	2001 90 50	2008 99 41
0206 80 10	0710 29 00	0812 90 10	1502 00 10	2001 90 65	2008 99 43
0206 80 91	0710 30 00	0812 90 40	1503 00 11	2001 90 91	2008 99 45
0206 80 99	0710 80 51	0812 90 50	1503 00 19	2005 60 00	2008 99 46
0206 90 10	0710 80 59	0812 90 60	1503 00 30	2005 90 10	2008 99 47
0206 90 91	0710 80 70	0812 90 70	1503 00 90	2007 91 90	2008 99 49
0206 90 99	0710 80 85	0812 90 99	1510 00 90	2007 99 10	2008 99 51
0207 13 91	0710 80 95	0813	1511 90 19	2007 99 91	2008 99 61
0207 14 91	0710 90 00	0901 11 00	1511 90 91	2007 99 93	2008 99 62
0207 26 91	0711 40 00	0901 12 00	1511 90 99	2008 20 19	2008 99 68
0207 27 91	0711 90 10	0901 21 00	1512 11 91	2008 20 39	2008 99 99
0207 34 10	0711 90 50	0901 22 00	1512 19 91	2008 20 51	2009 61 10
0207 34 90	0711 90 80	0901 90 10	1513 19 11	2008 20 59	2009 61 90
0207 35 91	0711 90 90	0901 90 90	1513 29 19	2008 20 71	2009 69 11
0207 36 81	0712 20 00	0904 20 10	1513 29 50	2008 20 79	2009 69 19
0207 36 85	0712 90 05	0904 20 30	1513 29 91	2008 20 91	2009 69 51
0207 36 89	0712 90 11	0904 20 90	1513 29 99	2008 20 99	2009 69 59
0209 00 11	0712 90 30	1001 10 00	1515 11 00	2008 30	2009 69 90
0209 00 19	0712 90 50	1105 20 00	1515 19 10	2008 92 12	2009 80 19
0209 00 30	0712 90 90	1204 00 90	1515 19 90	2008 92 14	2009 80 36
0210 99 10	0713 10 10	1205 10 10	1515 21 10	2008 92 32	2009 80 38
0210 99 71	0713 10 90	1205 90 00	1515 21 90	2008 92 34	2009 80 50
0210 99 79	0713 40 00	1206 00 10	1515 29 10	2008 92 36	2009 80 63
0210 91 00	0806 10 10	1207 50 10	1515 29 90	2008 92 38	2009 80 69
0210 92 00	0806 20	1207 50 90	1515 90 51	2008 92 51	2009 80 71
0210 93 00	0808 20 90	1207 91 10	1515 90 59	2008 92 59	2309
0210 99 39	0809 20 05	1207 91 90	1515 90 91	2008 92 72	
0210 99 59	0809 20 95	1209 10 00	1515 90 99	2008 92 74	

<sup>(1)</sup> As defined in Decree of the Government of the Slovak Republic No 598/2001 on the Customs Tariff of the Slovak Republic.



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## ANNEX B(b)

**Imports into the Slovak Republic of the following products originating in the Community shall be subject to the concessions set out below**

Slovak customs code	Description <sup>(1)</sup>	Applicable <i>ad valorem</i> duty	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0201 0202	Meat of bovines, fresh, chilled or frozen	free	1 750	3 500	0	( <sup>2</sup> )
0206 10 to 29 0210	Meat of bovine animals (offal)	free	500	1 000	0	( <sup>2</sup> )
0204	Sheep meat	free	Unlimited	Unlimited		( <sup>2</sup> )
ex 0203	Meat of domestic swine, fresh, chilled or frozen	free	2 800	3 000	300	( <sup>2</sup> ) ( <sup>3</sup> ) ( <sup>4</sup> )
0210 11 to 0210 19	Meat of swine, salted, in brine, dried or smoked					
0207	Poultry, fresh, chilled or frozen	free	650	725	75	( <sup>2</sup> ) ( <sup>3</sup> )
1602 31 to 1602 39	Prepared or preserved meat of poultry					
0402	Milk powder and condensed milk	free	350	500	0	( <sup>2</sup> ) ( <sup>3</sup> )
0403 10 11 to 39 0403 90 11 to 69	Buttermilks, yoghurts and other fermented or acidified milk and cream					
0404	Whey and products consisting of natural milk constituents	free	250	500	0	( <sup>2</sup> ) ( <sup>3</sup> )
ex 0405	Butter and other fats and oils derived from milk except CN codes 0405 20 10 and 0405 20 30	free	252	300	0	( <sup>2</sup> ) ( <sup>3</sup> )
0406	Cheese and curd	free	1 895	2 100	195	( <sup>2</sup> ) ( <sup>3</sup> )
0408 11 80	Birds' egg yolks, dried	14,5	Unlimited	Unlimited		

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Slovak customs code	Description (1)	Applicable <i>ad valorem</i> duty	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
0408 91 80	Birds' eggs, dried	14,5	Unlimited	Unlimited		
0701 90 50	Potatoes, new, from 1 January to 30 June	free	Unlimited	Unlimited		
0701 90 10 0701 90 90	Potatoes, other	6	500	500	0	(3)
0702 00 00	Fresh tomatoes	free	2 600	2 900	300	(2) (3)
ex 0704 10 00	Cauliflowers and headed broccoli (from 15 April to 30 November)	6	Unlimited	Unlimited		
0704 90 10	White cabbages and red cabbages	6	Unlimited	Unlimited		
0704 90 90	Other	6	Unlimited	Unlimited		
ex 0705 11 00	Cabbage lettuce (from 1 April to 30 November)	5,9	Unlimited	Unlimited		
0708 10 90	Fresh or chilled peas (from 1 June to 31 August)	free	130	145	15	(3)
0708 90 00	Leguminous vegetables	5,9	Unlimited	Unlimited		
0709 60 10	Sweet peppers	4,3	Unlimited	Unlimited		
0709 60 99	Other	4,3	Unlimited	Unlimited		
0807 11 00	Water melons	4	Unlimited	Unlimited		
0809 10 00	Apricots	4,2	Unlimited	Unlimited		
0809 30 10	Nectarines	4	Unlimited	Unlimited		
0808 10	Apples, fresh	free	7 500	15 000	0	(2) (3)
1001	Wheat and meslin	free	15 000	30 000	0	(2)
1002	Rye	free	1 000	2 000	0	(2)
1003	Barley	free	15 000	30 000	0	(2)
1004	Oats	free	500	1 000	0	(2)
1005 10 90 1005 90 00	Maize	free	5 350	10 000	0	(2)

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Slovak customs code	Description (1)	Applicable <i>ad valorem</i> duty	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
1006	Rice	free	Unlimited	Unlimited		
1008	Buckwheat, millet and canary seed, other cereals	free	500	1 000	0	(2)
1107 10 99	Malt	free	1 500	3 000	0	(2)
1516 10	Animal fats and oils	10	1 000	1 000	0	(3)
1516 20	Vegetable fats and oils	9	1 000	1 000	0	(3) (5)
1517 10 90	Margarine	10	270	270	0	(3)
1601 00	Sausages and similar products	free	300	350	50	(2) (3)
1602 41 to 1602 49	Prepared or preserved meat of swine					
ex 1602 20 90	Pâtés, different sizes	9	265	265	0	(3)
1602 50	Other prepared or preserved meat, meat offal or blood of bovine animal	free	100	200	0	(2)
1703	Molasses	free	Unlimited	Unlimited		(2)
ex 2001 90 96	Asparagus	free	130	145	15	(3)
2002	Tomatoes prepared or preserved	free	1 300	1 450	150	(2) (3)
2005 90 60	Carrots	5	Unlimited	Unlimited		
2005 90 70	Mixtures of vegetables	5	Unlimited	Unlimited		
2005 90 80	Other	5	Unlimited	Unlimited		
2008 50	Apricots	4	Unlimited	Unlimited		
2008 70	Peaches	4	Unlimited	Unlimited		
2008 92 16 2008 92 16 2008 92 16	Mixtures of fruits	4	Unlimited	Unlimited		
2009 69 71	Grape juice	2	Unlimited	Unlimited		
2009 69 79		2	Unlimited	Unlimited		

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Slovak customs code	Description <sup>(1)</sup>	Applicable <i>ad valorem</i> duty	Quantity from 1.7.2002 to 30.6.2003 (tonnes)	Annual quantity from 1.7.2003 (tonnes)	Subsequent yearly quota increase (tonnes)	Specific provisions
2009 71	Apple juice	10	Unlimited	Unlimited		
2009 79		10	Unlimited	Unlimited		
2401	Unmanufactured tobacco	2,4	1 000	1 000	0	<sup>(3)</sup>

<sup>(1)</sup> The wording of the description of the products is to be considered as having no more than indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the code. Where ex codes are indicated, the preferential scheme is to be determined by application to the code and corresponding description taken together.

<sup>(2)</sup> This concession is only applicable to products non-benefiting from any kind of export subsidies and accompanied by a certificate (see Annex) indicating that no export refunds have been paid.

<sup>(3)</sup> Quantities of goods subject to this existing tariff quota and released for free circulation as from 1 July 2002 before the entry into force of this Protocol shall be fully counted against the quantity provided for in the fourth column and should be submitted to the duty applicable at the moment of import.

<sup>(4)</sup> Excluding tenderloin presented alone.

<sup>(5)</sup> Excluding 1516 20 95, 1516 20 96 and 1516 20 98.

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## ANNEX TO ANNEX B(b)

## EUROPEAN COMMUNITY — EXPORT LICENCE OR ADVANCE FIXING CERTIFICATE A G R E X

<b>HOLDER'S COPY</b>	<b>1</b>	1. Agency issuing the licence or certificate (name and address)	2. Issuing agency's embossment and perforation (*)	No /	
			3.		
		4. Issued (name, full address and Member State)	5. Agency issuing the extract (name and address)		
		6. Rights transferred to:	7. Receiving country Compulsory		
		with effect from	<input type="checkbox"/> YES <input type="checkbox"/> NO		
		Stamp of the competent agency:	8. Advance fixing requested	9. Tendering requested	
			<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
			10. Date of lodging original licence/certificate application		
			11. Total amount of security		
		<b>1</b>	12. LAST DAY OF VALIDITY		
	13. PRODUCT TO BE EXPORTED				
	14. Trade denomination				
	15. Description in accordance with the Combined Nomenclature (CN)		16. CN code(s)		
	17. Quantity (²) in figures	18. Quantity (²) in words		19. Tolerance % more	
	20. Special particulars				
	21. REFUND VALID ON <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> FIXED IN ADVANCE				
	22. Special conditions				
	23. Issued at on <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> under No		24. Term of validity extended until inclusive for (²) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
	Signature and stamp of agency issuing the licence or certificate:		At <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> , on <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
			Issuing agency's signature and stamp:		

(\*) To be completed if the signature and the stamp do not appear in box 23.  
 (²) Net mass or other unit of measurement indicating unit.

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<b>27. ATTRIBUTIONS</b> Indicate the quantity available in part 1 of column 29 and the quantity attributed in part 2 thereof			
28. Net quantity (mass weight or other unit of measure stating the unit)		31. Customs document (form and No) or extract No and date of attribution	32. Name, Member State, stamp and signature of the attributing authority
29. In figures	30. In words for the quantity attributed		
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			
1			
2			

33. Extension pages to be attached hereto

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▼ **M122***ANNEX C***AGREEMENT**

*between the European Community and the Slovak Republic on reciprocal preferential trade concessions for certain wines*

1. Imports into the Community of the following products originating in the Slovak Republic shall be subject to the concessions set out below:

CN code	Description	Applicable duty	Yearly quantities (hl)
ex 2204	Wine of fresh grapes	Exemption	2 500

2. The Community shall grant a preferential zero duty within tariff quotas as mentioned under point 1, subject to the condition that no export subsidies shall be paid for exports of these quantities by the Slovak Republic.

3. Imports into the Slovak Republic of the following products originating in the Community shall be subject to the concessions set out below:

Slovak customs tariff code	Description	Applicable duty	Yearly quantities (hl)
ex 2204 10	Quality sparkling wine	Exemption	10 000
ex 2204 21	Quality wine of fresh grapes in containers holding 2 litres or less		
2204 29	Other wine of fresh grapes in containers holding more than 2 litres	25 %	20 000

4. The Slovak Republic shall grant a preferential zero duty within tariff quotas as mentioned under point 3, subject to the condition that no export subsidies shall be paid for exports of these quantities by the Community.

5. This Agreement shall cover wine

(a) which has been produced from fresh grapes wholly produced and harvested in the territory of the Contracting Party in question, and

(b) (i) originating in the Community, which has been produced in accordance with the rules governing the oenological practices and processes referred to in Title V of Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine <sup>(1)</sup>;

(ii) originating in the Slovak Republic, which has been produced in accordance with the rules governing the oenological practices and processes in conformity with the Slovak law. These oenological rules referred to shall be in conformity with the Community legislation.

<sup>(1)</sup> OJ L 179, 14.7.1999, p. 1. Regulation as last amended by Regulation (EC) No 2585/2001 (OJ L 345, 29.12.2001, p. 10).

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6. Imports of wine under the concessions provided in this Agreement will be subject to the presentation of a certificate issued by a mutually recognised official body appearing on the lists drawn up jointly, to the effect that the wine in question complies with point 5(b).
7. The Contracting Parties shall examine the opportunities for granting each other further concessions taking into account the development of wine trade between the Contracting Parties.
8. The Contracting Parties agreed to continue immediately with the already started negotiations with the aim to conclude rapidly an agreement on the reciprocal recognition, protection and control of spirits and wine names, including 'Slovenske Tokajske Vino' originating in the Slovak part of the Tokaj Wine Growing Region.
9. The Contracting Parties shall ensure that the benefits granted reciprocally are not called into question by other measures.
10. Consultations are to take place at the request of either Contracting Party on any problem relating to the way this Agreement operates.
11. This Agreement shall apply, on the one hand, in the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, in the territory of the Slovak Republic.