



European Economic Area Act 1993

1993 CHAPTER 51

An Act to make provision in relation to the European Economic Area established under the Agreement signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993. [5th November 1993]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Commencement Information

II Act wholly in force at Royal Assent

^{F1} 1 Agreement on European Economic Area.

.....

Textual Amendments

F1 S. 1 omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 8 para. 24](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(n) (with reg. 22)

2 Consistent application of law to whole of EEA.

(1) Where—

- (a) the operation of any relevant enactment is limited (expressly or by implication) by reference to the [^{F2}European Union] or by reference to some connection with the [^{F2}European Union], and
- (b) the enactment relates to a matter to which the Agreement (as it has effect on the date on which it comes into force) relates,

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then, unless the context otherwise requires, the enactment shall have effect on and after that date in relation to that matter with the substitution of a corresponding limitation relating to the European Economic Area (or, where appropriate, to both the [F2European Union] and the European Economic Area).

- (2) Subsection (1) above shall have effect—
- (a) subject to the Schedule to this Act, and
 - (b) subject to such exceptions and modifications as may be prescribed by regulations made by a Minister of the Crown.

- (3) Subsection (1) above shall not be regarded—
- (a) as having an effect which is inconsistent with the operation, by virtue of the Agreement, of section 2(1) of the 1972 Act [F3as at immediately before [F4IP completion day]], F5...

F5(b)

and any instrument made for such a purpose under section 2(2) of the 1972 Act or under any other enactment may exclude the operation of subsection (1) above.

[F6(3A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after [F7exit day].]

F8(4)

F8(5)

F8(6)

- (7) In this section (and in the Schedule to this Act) “relevant enactment” means a provision of an Act passed, or of any subordinate legislation made, before the date on which the Agreement comes into force.

Textual Amendments

- F2** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 4 (with art. 3(2)(3)4(2)6(4)6(5))
- F3** Words in s. 2(3)(a) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 25\(2\)\(a\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n)
- F4** Words in s. 2(3)(a) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 14](#) (with s. 38(3)); S.I. 2020/1622, reg. 5(j)
- F5** S. 2(3)(b) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 25\(2\)\(b\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, [reg. 3\(n\)](#) (with reg. 22)
- F6** S. 2(3A) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 25\(3\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n)
- F7** Words in s. 2(3A) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 14](#) (with s. 38(3)); S.I. 2020/1622, reg. 5(j)
- F8** S. 2(4)-(6) omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 25\(4\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n) (with reg. 22)

Modifications etc. (not altering text)

- C1** S. 2(1) restricted (1.1.1994) by [S.I. 1993/3183](#), [reg. 2](#).
S. 2(1) restricted (E.W.S.) (9.3.1995) by [S.I. 1995/278](#), [art. 4](#)

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3 General implementation of Agreement.

- (1) Subject to section 2 above, where by virtue of the Agreement (as it has effect on the date on which it comes into force) it is necessary for a purpose mentioned in section 2(2)(a) or (b) of the 1972 Act that any relevant provision should have effect with modifications which can be ascertained from the Agreement, then on and after that date the provision shall have effect with those modifications.
- (2) A Minister of the Crown may by regulations modify or exclude the operation of subsection (1) above in relation to a relevant provision where it appears to him appropriate to do so because of the suspension of any part of the Agreement in accordance with the terms of the Agreement.
- (3) Subsection (1) above shall not be regarded—
 - (a) as providing for modifications the effect of which is achieved through the operation, by virtue of the Agreement, of section 2(1) of the 1972 Act [^{F9}as at immediately before [^{F10}IP completion day]], ^{F11}...
 - ^{F11}(b)and any instrument made for such a purpose under section 2(2) of the 1972 Act or under any other enactment may exclude the operation of subsection (1) above.
- (4) Subsection (1) above shall not apply so as to require a modification if that modification, or a corresponding modification limited so as to relate only to the [^{F2}European Union],—
 - (a) could have been made, by Act passed before the date on which the Agreement comes into force, for a purpose mentioned in section 2(2)(a) or (b) of the 1972 Act, but
 - (b) was not made (by that or other means).
- [^{F12}(4A) This section is subject to any amendment, repeal, revocation or other modification of retained EU law on or after [^{F13}IP completion day].]
- (5) In this section “relevant provision” means—
 - (a) a provision of an Act passed, or of any subordinate legislation made, before the date on which the Agreement comes into force;
 - (b) a provision of any other instrument made before that date by a person as against whom the effect of a directive issued by [^{F14}an][^{F14}EU] institution (if such a directive were relevant) might be relied upon in proceedings to which he was a party.

Textual Amendments

- F2** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011](#) (S.I. 2011/1043), arts. 2, 3, 4 (with art. 3(2)(3)4(2)6(4)6(5))
- F9** Words in s. 3(3)(a) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 26\(2\)\(a\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n)
- F10** Words in s. 3(3)(a) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020](#) (c. 1), s. 42(7), [Sch. 5 para. 15](#) (with s. 38(3)); S.I. 2020/1622, reg. 5(j)
- F11** S. 3(3)(b) and word omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 26\(2\)\(b\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, [reg. 3\(n\)](#) (with reg. 22)
- F12** S. 3(4A) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018](#) (c. 16), s. 25(4), [Sch. 8 para. 26\(3\)](#) (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n)

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- F13** Words in s. 3(4A) substituted (31.12.2020) by European Union (Withdrawal Agreement) Act 2020 (c. 1), s. 42(7), **Sch. 5 para. 15** (with s. 38(3)); S.I. 2020/1622, reg. 5(j)
- F14** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)6(5))

Modifications etc. (not altering text)

- C2** S. 3(1) restricted (S.) (3.4.1995) by S.I. 1995/484, **reg. 3**
S. 3(1) restricted (E.W.) (3.4.1995) by S.I. 1995/732, **reg. 3**
S. 3(1) restricted (N.I.) (1.5.1995) by S.R. 1995/105, **reg. 3**

F15 4 Amendment of 1972 Act s.3.

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Textual Amendments

- F15** S. 4 omitted (31.12.2020) by virtue of European Union (Withdrawal) Act 2018 (c. 16), s. 25(4), **Sch. 8 para. 27** (with s. 19, Sch. 8 para. 37); S.I. 2020/1622, reg. 3(n) (with reg. 22)

5 Regulations.

The power to make regulations under section 2(2) or section 3(2) above shall be exercisable by statutory instrument; and any statutory instrument containing such regulations, if made without a draft having been approved by resolution of each House of Parliament, shall be subject to annulment in pursuance of a resolution of either House.

6 Interpretation.

- (1) In this Act, except where the context otherwise requires,—
- “the 1972 Act” means the ^{M1}European Communities Act 1972 [^{F16}(before [^{F17}it ceases to have effect by virtue of section 1A(5)] of the European Union (Withdrawal) Act 2018)] ;
- “Act” includes an Act of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly;
- “the Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;
- “Minister of the Crown” includes the Treasury;
- “subordinate legislation” means Orders in Council, orders, rules, regulations, schemes, warrants, byelaws and other instruments made under any Act.
- (2) References in this Act to the date on which the Agreement comes into force are references to the date on which (in accordance with the Protocol signed at Brussels on 17th March 1993) it comes into force otherwise than as regards Liechtenstein.

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Textual Amendments

- F16** Words in s. 6(1) inserted (31.12.2020) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), s. 25(4), [Sch. 8 para. 28](#) (with s. 19, [Sch. 8 para. 37](#)); S.I. 2020/1622, reg. 3(n)
- F17** Words in s. 6(1) substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\)](#), s. 42(7), [Sch. 5 para. 16](#) (with s. 38(3)); S.I. 2020/1622, reg. 5(j)
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Marginal Citations

- M1** 1972 c. 68.

7 Short title.

This Act may be cited as the European Economic Area Act 1993.

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SCHEDULE

Section 2.

LIMITATIONS ON APPLICATION OF SECTION 2(1)

- 1 Section 2(1) of this Act shall not apply to a relevant enactment by reason only that it refers to, or to a provision of, one of the Treaties or ^{F14}an^{F14} ^{F14}EU^{F14} instrument.

Textual Amendments

F14 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)6(5))

- 2 In the case of a relevant enactment the operation of which is limited by reference to ^{F14}an^{F14} ^{F14}EU^{F14} institution, section 2(1) of this Act shall not be construed as requiring the substitution of a limitation relating to the EFTA Surveillance Authority or the EFTA Court.

Textual Amendments

F14 Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\)](#), arts. 2, 3, 6 (with art. 3(2)(3)4(2)6(4)6(5))

- 3 Section 2(1) of this Act shall not apply in relation to the following instruments:—
- (a) the ^{M2}Education (Fees and Awards) Regulations 1983;
 - (b) the ^{M3}Education (Fees and Awards) (Scotland) Regulations 1983;
 - (c) the ^{M4}Education Authority Bursaries (Scotland) Regulations 1988;
 - (d) the ^{M5}Students' Allowances (Scotland) Regulations 1991;
 - ^{F18}(e)
 - ^{F18}(f)
 - (g) the ^{M6}Education (Student Loans) Regulations 1992;
 - (h) the ^{M7}Education (Mandatory Awards) Regulations 1992;
 - (i) the ^{M8}Education (Student Loans) Regulations (Northern Ireland) 1992;
 - (j) the ^{M9}Students Awards Regulations (Northern Ireland) 1992.

Textual Amendments

F18 Sch. para. 3(e)(f) ceases to have effect (31.1.2006) by [The Public Contracts Regulations 2006 \(S.I. 2006/5\)](#), reg. 1(1), [Sch. 7 para. 6](#) (with reg. 49) and by [The Public Contracts \(Scotland\) Regulations 2006 \(S.S.I. 2006/1\)](#), reg. 1(1), [Sch. 7 para. 1](#) (with reg. 49)

Marginal Citations

M2 S.I.1983/973.
M3 S.I.1983/1215.
M4 S.I.1988/1042.
M5 S.I.1991/1522.
M6 S.I.1992/1211.
M7 S.I.1992/1270.
M8 S.R. (N.I.) 1992 No.279.

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M9 S.R. (N.I.) 1992 No.363.

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