

# FINAL ACT<sup>{1}</sup>

The plenipotentiaries of:

THE EUROPEAN ECONOMIC COMMUNITY,  
THE EUROPEAN COAL AND STEEL COMMUNITY,

hereinafter referred to as "the Community", and of:

THE KINGDOM OF BELGIUM,  
THE KINGDOM OF DENMARK,  
THE FEDERAL REPUBLIC OF GERMANY,  
THE HELLENIC REPUBLIC,  
THE KINGDOM OF SPAIN,  
THE FRENCH REPUBLIC,  
IRELAND,  
THE ITALIAN REPUBLIC,  
THE GRAND DUCHY OF LUXEMBOURG,  
THE KINGDOM OF THE NETHERLANDS,  
THE PORTUGUESE REPUBLIC,  
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

Contracting Parties to the Treaty establishing the EUROPEAN ECONOMIC COMMUNITY and the Treaty establishing the EUROPEAN COAL AND STEEL COMMUNITY,

hereinafter referred to as "the EC Member States",

and

the plenipotentiaries of:

THE REPUBLIC OF AUSTRIA,{<sup>2</sup>}  
THE REPUBLIC OF FINLAND, {<sup>2</sup>}  
THE REPUBLIC OF ICELAND,  
THE PRINCIPALITY OF LIECHTENSTEIN,  
THE KINGDOM OF NORWAY,  
THE KINGDOM OF SWEDEN, {<sup>2</sup>}  
THE SWISS CONFEDERATION,

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<sup>{1}</sup> Final Act adjusted by the Final Act to the Adjusting Protocol.  
<sup>{2}</sup> Austria, Finland and Sweden acceded to the European Union on 1 January 1995, but the text of the Final Act remains unchanged.

hereinafter referred to as "the EFTA States",

meeting at Oporto, this second day of May in the year one thousand nine hundred and ninety-two for the signature of the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement, have adopted the following texts:

- I. the Agreement on the European Economic Area;
- II. the texts listed below which are annexed to the Agreement on the European Economic Area:

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| A. | <b>Protocol 1</b>  | on horizontal adaptations   |
|    | <b>Protocol 2</b>  | on products excluded from the scope of the Agreement in accordance with Article 8(3)(a)   |
|    | <b>Protocol 3</b>  | concerning products referred to in Article 8(3)(b) of the Agreement   |
|    | <b>Protocol 4</b>  | on rules of origin  |
|    | <b>Protocol 5</b>  | on customs duties of a fiscal nature (Switzerland/Liechtenstein)  |
|    | <b>Protocol 6</b>  | on the building up of compulsory reserves by Switzerland and Liechtenstein  |
|    | <b>Protocol 7</b>  | on quantitative restrictions which Iceland may retain   |
|    | <b>Protocol 8</b>  | on State monopolies   |
|    | <b>Protocol 9</b>  | on trade in fish and other marine products  |
|    | <b>Protocol 10</b> | on simplification of inspections and formalities in respect of carriage of goods  |
|    | <b>Protocol 11</b> | on mutual assistance in customs matters   |
|    | <b>Protocol 12</b> | on conformity assessment agreements with third countries  |
|    | <b>Protocol 13</b> | on the non-application of anti-dumping and countervailing measures  |
|    | <b>Protocol 14</b> | on trade in coal and steel products   |
|    | <b>Protocol 15</b> | on transitional periods on the free movement of persons (Switzerland and Liechtenstein)   |
|    | <b>Protocol 16</b> | on measures in the field of social security related to transitional periods on the free movement of persons (Switzerland and Liechtenstein) |
|    | <b>Protocol 17</b> | concerning Article 34   |
|    | <b>Protocol 18</b> | on internal procedures for the implementation of Article 43   |
|    | <b>Protocol 19</b> | on maritime transport   |
|    | <b>Protocol 20</b> | on access to inland waterways   |
|    | <b>Protocol 21</b> | on the implementation of competition rules applicable to undertakings   |
|    | <b>Protocol 22</b> | concerning the definition of "undertaking" and "turnover" (Article 56)  |
|    | <b>Protocol 23</b> | concerning the cooperation between the surveillance authorities (Article 58)  |
|    | <b>Protocol 24</b> | on cooperation in the field of control of concentrations  |
|    | <b>Protocol 25</b> | on competition regarding coal and steel   |
|    | <b>Protocol 26</b> | on the powers and functions of the EFTA Surveillance Authority in the field of State aid  |
|    | <b>Protocol 27</b> | on cooperation in the field of State aid  |
|    | <b>Protocol 28</b> | on intellectual property  |
|    | <b>Protocol 29</b> | on vocational training  |
|    | <b>Protocol 30</b> | on specific provisions on the organization of cooperation in the field of statistics  |
|    | <b>Protocol 31</b> | on cooperation in specific fields outside the four freedoms   |
|    | <b>Protocol 32</b> | on financial modalities for the implementation of Article 82  |
|    | <b>Protocol 33</b> | on arbitration procedures   |

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| <b>Protocol 34</b> | 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 |
| <b>Protocol 35</b> | on the implementation of EEA rules  |
| <b>Protocol 36</b> | on the Statute of the EEA Joint Parliamentary Committee   |
| <b>Protocol 37</b> | containing the list provided for in Article 101   |
| <b>Protocol 38</b> | on the financial mechanism  |
| <b>Protocol 39</b> | on the ECU  |
| <b>Protocol 40</b> | on Svalbard   |
| <b>Protocol 41</b> | on existing agreements  |
| <b>Protocol 42</b> | on bilateral arrangements concerning specific agricultural products   |
| <b>Protocol 43</b> | on the Agreement between the EEC and the Republic of Austria on the transit of goods by road and rail   |
| <b>Protocol 44</b> | on the Agreement between the EEC and the Swiss Confederation on the carriage of goods by road and rail  |
| <b>Protocol 45</b> | on transitional periods concerning Spain and Portugal   |
| <b>Protocol 46</b> | on the development of cooperation in the fisheries sector   |
| <b>Protocol 47</b> | on the abolition of technical barriers to trade in wine   |
| <b>Protocol 48</b> | concerning Articles 105 and 111   |
| <b>Protocol 49</b> | on Ceuta and Melilla  |
| <b>B. Annex I</b>  | Veterinary and phytosanitary matters  |
| <b>Annex II</b>    | Technical regulations, standards, testing and certification   |
| <b>Annex III</b>   | Product liability   |
| <b>Annex IV</b>    | Energy  |
| <b>Annex V</b>     | Free movement of workers  |
| <b>Annex VI</b>    | Social security   |
| <b>Annex VII</b>   | Mutual recognition of professional qualifications   |
| <b>Annex VIII</b>  | Right of establishment  |
| <b>Annex IX</b>    | Financial services  |
| <b>Annex X</b>     | Audio-visual services   |
| <b>Annex XI</b>    | Telecommunication services  |
| <b>Annex XII</b>   | Free movement of capital  |
| <b>Annex XIII</b>  | Transport   |
| <b>Annex XIV</b>   | Competition   |
| <b>Annex XV</b>    | State aid   |
| <b>Annex XVI</b>   | Procurement   |
| <b>Annex XVII</b>  | Intellectual property   |
| <b>Annex XVIII</b> | Health and safety at work, labour law, and equal treatment for men and women  |
| <b>Annex XIX</b>   | Consumer protection   |
| <b>Annex XX</b>    | Environment   |
| <b>Annex XXI</b>   | Statistics  |
| <b>Annex XXII</b>  | Company law   |

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The plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have adopted the joint declarations listed below and annexed to this Final Act:

1. Joint Declaration concerning the preparation of joint reports under paragraph 5 of Protocol 1 on horizontal adaptations;
2. Joint Declaration on mutual recognition and protection agreements for the designations of wine and spirituous beverages;
3. Joint Declaration on a transitional period concerning the issuing or making out of documents relating to the proof of origin;
4. Joint Declaration concerning Articles 10 and 14(1) of Protocol 11 to the Agreement;
5. Joint Declaration on electro-medical equipment;
6. Joint Declaration concerning nationals of the Republic of Iceland who hold a diploma in specialized medicine, specialized dentistry, veterinary medicine, pharmacy, general medical practice or architecture conferred in a third country;
7. Joint Declaration concerning nationals of the Republic of Iceland who hold higher-education diplomas awarded on completion of professional education and training of at least three years' duration conferred in a third country;
8. Joint Declaration on transport of goods by road;
9. Joint Declaration concerning rules on competition;
10. Joint Declaration on Article 61(3)(b) of the Agreement;
11. Joint Declaration on Article 61(3)(c) of the Agreement;
12. Joint Declaration on aid granted through the EC Structural Funds or other financial instruments;
13. Joint Declaration on paragraph (c) of Protocol 27 to the Agreement;
14. Joint Declaration on shipbuilding;
15. Joint Declaration on applicable procedures in cases where, by virtue of Article 76 and Part VI of the Agreement and corresponding Protocols, EFTA States participate fully in EC committees;
16. Joint Declaration on cooperation in cultural affairs;
17. Joint Declaration on cooperation against illegal traffic in cultural goods;
18. Joint Declaration on the association of Community experts with the work of committees among the EFTA States or set up by the EFTA Surveillance Authority;
19. Joint Declaration on Article 103 of the Agreement;
20. Joint Declaration on Protocol 35 to the Agreement;
21. Joint Declaration concerning the Financial Mechanism;
22. Joint Declaration on the relation between the EEA Agreement and existing agreements;
23. Joint Declaration on the agreed interpretation of Article 4(1) and (2) of Protocol 9 on trade in fish and other marine products;
24. Joint Declaration concerning the application of tariff concessions for certain agricultural products;
25. Joint Declaration on plant health issues;
26. Joint Declaration on mutual assistance between control authorities in the area of spirit drinks;
27. Joint Declaration on Protocol 47 on the abolition of technical barriers to trade in wine;
28. Joint Declaration on modification of tariff concessions and on special treatment of Spain and Portugal;
29. Joint Declaration on animal welfare;
30. Joint Declaration on the Harmonized System.

The plenipotentiaries of the EC Member States and the plenipotentiaries of the EFTA States have adopted the declarations listed below and annexed to this Final Act:

1. Declaration by the Governments of the Member States of the EC and the EFTA States on the facilitation of border controls;
2. Declaration by the Governments of the Member States of the EC and the EFTA States on political dialogue.

The plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have also taken note of the arrangement regarding the functioning of a High-Level Interim Group during the period preceding the entry into force of the EEA Agreement which is annexed to this Final Act. They have further agreed that the High-Level Interim Group shall, at the latest by the entry into force of the EEA Agreement, decide on the authentication of texts of the EC acts referred to in the Annexes to the EEA Agreement which have been drawn up in the Finnish, Icelandic, Norwegian and Swedish languages.

The plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have further taken note of the arrangement regarding the publication of EEA relevant information which is annexed to this Final Act.

Further, the plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have taken note of the arrangement regarding the publication of EFTA notices on procurement which is annexed to this Final Act.

Furthermore, the plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have adopted the Agreed Minutes from the negotiations which are annexed to this Final Act. The Agreed Minutes shall have a binding character.

Finally, the plenipotentiaries of the EC Member States and of the Community and the plenipotentiaries of the EFTA States have taken note of the declarations listed below and annexed to this Final Act:

1. Declaration by the Governments of Finland, Iceland, Norway and Sweden on alcohol monopolies;
2. Declaration by the Governments of Liechtenstein and Switzerland on alcohol monopolies;
3. Declaration by the European Community on mutual assistance in customs matters;
4. Declaration by the Governments of the EFTA States on free circulation of light duty commercial vehicles;
5. Declaration by the Government of Liechtenstein on product liability;
6. Declaration by the Government of Liechtenstein on the specific situation of the country;
7. Declaration by the Government of Austria on safeguards;
8. Declaration by the European Community;
9. Declaration by the Government of Iceland on the use of safeguard measures under the EEA Agreement;
10. Declaration by the Government of Switzerland on safeguard measures;
11. Declaration by the European Community;
12. Declaration by the Government of Switzerland on the introduction of post-diploma studies in architecture at the higher technical colleges;
13. Declaration by the Governments of Austria and Switzerland on audiovisual services;
14. Declaration by the Governments of Liechtenstein and Switzerland on administrative assistance;
15. Declaration by the European Community;
16. Declaration by the Government of Switzerland on the use of the safeguard clause in connection with capital movements;
17. Declaration by the European Community;
18. Declaration by the Government of Norway on the direct enforceability of decisions by the EC institutions regarding pecuniary obligations addressed to enterprises located in Norway;
19. Declaration by the European Community;
20. Declaration by the Government of Austria on the enforcement on its territory of decisions by EC institutions regarding pecuniary obligations;

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21. Declaration by the European Community;
  22. Declaration by the European Community on shipbuilding;
  23. Declaration by the Government of Ireland concerning Protocol 28 on intellectual property - international conventions;
  24. Declaration by the Governments of the EFTA States on the charter of fundamental social rights for workers;
  25. Declaration by the Government of Austria on the implementation of Article 5 of Directive 76/207/EEC in respect of night-work;
  26. Declaration by the European Community;
  27. Declaration by the European Community on the rights for the EFTA States before the EC Court of Justice;
  28. Declaration by the European Community on the rights of lawyers of the EFTA States under Community law;
  29. Declaration by the European Community on the participation of the EFTA States' experts in EEA relevant EC committees in application of Article 100 of the Agreement;
  30. Declaration by the European Community on Article 103 of the Agreement;
  31. Declaration by the Governments of the EFTA States on Article 103(1) of the Agreement;
  32. Declaration by the European Community on transit in the fisheries sector;
  33. Declaration by the European Community and the Governments of Austria, Finland, Liechtenstein, Sweden and Switzerland on whale products;
  34. Declaration by the Government of Switzerland concerning customs duties of a fiscal nature;
  35. Declaration by the European Community on bilateral agreements;
  36. Declaration by the Government of Switzerland on the Agreement between the EEC and the Swiss Confederation on the carriage of goods by road and rail;
  37. Declaration by the Government of Austria on the Agreement between the EEC and the Republic of Austria on the transit of goods by road and rail;
  38. Declaration by the Governments of the EFTA States concerning the EFTA financial mechanism;
  39. Declaration by the Governments of the EFTA States concerning a court of first instance.

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**JOINT DECLARATIONS BY THE CONTRACTING PARTIES  
TO THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA**

**JOINT DECLARATION  
CONCERNING THE PREPARATION OF JOINT REPORTS  
UNDER PARAGRAPH 5 OF PROTOCOL 1  
ON HORIZONTAL ADAPTATIONS**

As regards the review and reporting procedures under paragraph 5 of Protocol 1 on Horizontal Adaptations, it is understood that the EEA Joint Committee may, whenever it considers this useful, request the preparation of a joint report.

**JOINT DECLARATION  
ON MUTUAL RECOGNITION AND PROTECTION AGREEMENTS  
FOR THE DESIGNATIONS OF WINE AND SPIRITUOUS BEVERAGES**

The Contracting Parties agree to negotiate with a view to concluding before 1 July 1993 separate mutual recognition and protection agreements for the designations of wine and spirituous beverages, taking into account the existing bilateral agreements.

**JOINT DECLARATION  
ON A TRANSITIONAL PERIOD CONCERNING THE ISSUING OR MAKING  
OUT OF DOCUMENTS RELATING TO THE PROOF OF ORIGIN<sup>{3}</sup>**

- (a) For two years after the entry into force of the EEA Agreement, the competent customs authorities of the Community and those of Austria, Finland, Iceland, Norway, Sweden and Switzerland shall accept as valid proof of origin within the meaning of Protocol 4 to the EEA Agreement the following documents referred to in Article 13 of Protocol No. 3 to the Free Trade Agreements between the EEC and the individual EFTA States mentioned above:
  - (i) EUR.1 certificates, including Long-Term certificates, endorsed beforehand with the stamp of the competent customs office of the exporting State;
  - (ii) EUR.1 certificates, including Long-Term certificates, endorsed by an approved exporter with a special stamp which has been approved by the customs authorities of the exporting State; and
  - (iii) invoices referring to Long-Term certificates.
- (b) For six months after the entry into force of the EEA Agreement, the competent customs authorities of the Community and those of Austria, Finland, Iceland, Norway, Sweden and Switzerland shall accept as valid proof of origin within the meaning of Protocol 4 to the EEA Agreement the following documents referred to in Article 8 of Protocol No 3 to the Free Trade Agreements between the EEC and the individual EFTA States mentioned above:

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<sup>{3}</sup> References to Switzerland have lapsed following the Adjusting Protocol to the Final Act.

- (i) invoices bearing the exporter's declaration as given in Annex V to Protocol No 3 made out in accordance with Article 13 of that Protocol; and
- (ii) invoices bearing the exporter's declaration as given in Annex V to Protocol No 3 made out by any exporter.
- (c) Requests for subsequent verification of documents referred to in paragraphs (a) and (b) shall be accepted by the competent customs authorities of the Community and those of Austria, Finland, Iceland, Norway, Sweden and Switzerland for a period of two years after issuing and making out of the proof of origin concerned. These verifications shall be carried out in accordance with Title VI of Protocol 4 to the EEA Agreement.

**JOINT DECLARATION  
CONCERNING ARTICLES 10 AND 14(1)  
OF PROTOCOL 11 TO THE AGREEMENT**

The Contracting Parties stress the importance they attach to the protection of nominative data. They undertake to consider this matter further with a view to ensuring appropriate protection of such data under Protocol 11, at least at a level comparable to the one provided for by the Council of Europe Convention of 28 January 1981.

**JOINT DECLARATION  
ON ELECTRO-MEDICAL EQUIPMENT**

The Contracting Parties take note that the Commission has presented to the Council a proposal for a Council directive on electro-medical equipment falling so far within the scope of Directive 84/539/EEC (OJ No L 300, 19.11.1984, p. 179) (Annex II).

The Commission proposal strengthens the protection of patients, users and third persons by referring to harmonized standards which are to be adopted by CEN-CENELEC in accordance with the legal requirements and by subjecting these products to appropriate conformity assessment procedures including a third party intervention for certain devices.

**JOINT DECLARATION  
CONCERNING NATIONALS OF THE REPUBLIC OF ICELAND  
WHO HOLD A DIPLOMA IN SPECIALIZED MEDICINE,  
SPECIALIZED DENTISTRY, VETERINARY MEDICINE,  
PHARMACY, GENERAL MEDICAL PRACTICE OR ARCHITECTURE  
CONFERRED IN A THIRD COUNTRY**

Noting that Council Directives 75/362/EEC, 78/686/EEC, 78/1026/EEC, 85/384/EEC, 85/433/EEC and 86/457/EEC, as adapted for EEA purposes, refer only to diplomas, certificates and other evidence of formal qualifications conferred in the Contracting Parties;

anxious, however, to take account of the special position of nationals of the Republic of Iceland who, since there is no complete university training in specialized medicine, specialized dentistry, veterinary medicine and architecture in Iceland itself, since there are limited possibilities of training in specialized dentistry and of specific training in general medical practice and other specialization in medicine, and since there is only recently a complete university training in pharmacy offered in Iceland, have studied in a third country;



the Contracting Parties hereby recommend that the Governments concerned should allow nationals of the Republic of Iceland who hold a diploma in specialized dentistry, in veterinary medicine, in architecture, in pharmacy, on completion of specific training in general medical practice or of specializations in medicine, awarded in a third country and recognized by the competent Icelandic authorities, to take up and pursue activities as specialists in dentistry, veterinary surgeons, architects, pharmacists, general medical practitioners or specialists in medicine within the European Economic Area, by recognizing these diplomas in their territories.

**JOINT DECLARATION**  
**CONCERNING NATIONALS OF THE REPUBLIC OF ICELAND**  
**WHO HOLD HIGHER-EDUCATION DIPLOMAS**  
**AWARDED ON COMPLETION OF PROFESSIONAL EDUCATION AND TRAINING**  
**OF AT LEAST THREE YEARS' DURATION CONFERRED IN A THIRD COUNTRY**

Noting that Council Directive 89/48/EEC of 21 December 1988 on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration (OJ No L 19, 24.1.1989, p. 16), as adapted for EEA purposes, refers to diplomas, certificates and other evidence of formal qualifications conferred mainly in the Contracting Parties;

anxious, however, to take account of the special position of nationals of the Republic of Iceland who, since there are limited possibilities of post-secondary education and a long tradition of students receiving this education abroad, have studied in a third country;

the Contracting Parties hereby recommend that the Governments concerned should allow nationals of the Republic of Iceland who hold a diploma of studies covered by the general system, awarded in a third country and recognized by the competent Icelandic authorities, to take up and pursue within the European Economic Area the activities of the professions concerned, by recognizing these diplomas in their territories.

**JOINT DECLARATION**  
**ON TRANSPORT OF GOODS BY ROAD<sup>{4}</sup>**

If the European Community elaborates new legislation to amend, replace or prolong the application of rules on access to the market in transport of goods by road (First Council Directive of 23 July 1962 on certain types of carriage of goods between Member States, OJ No 070, 6.8.1962, p. 2005/62; Council Directive 65/269/EEC, OJ No 88, 24.5.1965, p. 1469/65; Council Regulation (EEC) 3164/76, OJ No L 357, 29.12.1976, p. 1; Council Decision 80/48/EEC, OJ No L 18, 24.1.1980, p. 21; Council Regulation (EEC) 4059/89, OJ No L 390, 30.12.1989, p. 3) the Contracting Parties shall, in accordance with the jointly agreed procedures, take a decision concerning an amendment of the relevant Annex, allowing carriers of the Contracting Parties reciprocal and mutual access to the market in transport of goods by road on equal terms.

For the duration of the Agreement between the European Communities and Austria on transport of goods by road and rail, future amendments of the present Agreement shall not affect the existing mutual rights for market access referred to in Article 16 of the Agreement between the European Communities and Austria on transport of goods by road and rail, and as set out in the bilateral Agreements between Austria on the one hand and Finland, Norway, Sweden and Switzerland on the other hand, unless otherwise agreed by the Parties concerned.

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<sup>{4}</sup> Reference to Switzerland has lapsed following the Adjusting Protocol to the Final Act.

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**JOINT DECLARATION  
CONCERNING RULES ON COMPETITION**

The Contracting Parties declare that the implementation of the EEA competition rules, in cases falling within the responsibility of the EC Commission, is based on the existing Community competences, supplemented by the provisions contained in the Agreement. In cases falling within the responsibility of the EFTA Surveillance Authority, the implementation of the EEA competition rules is based on the agreement establishing that authority as well as on the provisions contained in the EEA Agreement.

**JOINT DECLARATION  
ON ARTICLE 61(3)(B) OF THE AGREEMENT**

The Contracting Parties declare that in establishing whether a derogation can be granted under Article 61(3)(b) the EC Commission shall take the interest of the EFTA States into account and the EFTA Surveillance Authority shall take the interest of the Community into account.

**JOINT DECLARATION  
ON ARTICLE 61(3)(C) OF THE AGREEMENT**

The Contracting Parties take note that even if eligibility of the regions has to be denied in the context of Article 61(3)(a) and according to the criteria of the first stage of analysis under subparagraph (c) (see Commission Communication on the method for the application of Article 92(3)(a) and (c) to regional aid, OJ No C 212, 12.8.1988, p. 2) examination according to other criteria, e.g. very low population density, is possible.

**JOINT DECLARATION  
ON AID GRANTED THROUGH THE EC STRUCTURAL  
FUNDS OR OTHER FINANCIAL INSTRUMENTS**

The Contracting Parties declare that financial support to undertakings financed by the EC Structural Funds or receiving assistance from the European Investment Bank or from any other similar financial instrument or fund shall be in keeping with the provisions of this Agreement on State aid. They declare that exchange of information and views on these forms of aid shall take place at the request of either surveillance authority.

**JOINT DECLARATION  
ON PARAGRAPH (C) OF PROTOCOL 27 TO THE AGREEMENT**

The notice referred to in paragraph (c) of Protocol 27 shall contain a description of the State aid programme or case concerned, including all elements which are necessary for a proper evaluation of the programme or case (depending on the State aid elements concerned, such as type of State aid, budget, beneficiary, duration). Moreover, the reasons for the opening of the procedure referred to in Article 93(2) of the Treaty establishing the European Economic Community or of the corresponding procedure set out in an agreement between the EFTA States establishing the EFTA Surveillance Authority shall be communicated to the other surveillance authority. Exchange of information between the two surveillance authorities shall take place on a reciprocal basis.

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**JOINT DECLARATION  
ON SHIPBUILDING**

The Contracting Parties agree that, until the expiry of the 7th Shipbuilding Directive (i.e. at the end of 1993), they will refrain from the application of the general rules on State aid laid down in Article 61 of the Agreement to the sector of shipbuilding.

Article 62(2) of the Agreement as well as the Protocols referring to State aid are applicable to the sector of shipbuilding.

**JOINT DECLARATION  
ON APPLICABLE PROCEDURES IN CASES  
WHERE, BY VIRTUE OF ARTICLE 76 AND PART VI OF THE AGREEMENT  
AND CORRESPONDING PROTOCOLS, EFTA STATES PARTICIPATE FULLY  
IN EC COMMITTEES**

The EFTA States shall have the same rights and obligations as EC Member States within EC committees in which they participate fully, by virtue of Article 76 and Part VI of the Agreement and the corresponding Protocols, except in respect of voting procedures, if any. In reaching its decision, the EC Commission shall take due account of the views expressed by the EFTA States in the same manner as of the views expressed by the EC Member States before voting.

In cases where the EC Member States have the possibility of appealing to the EC Council against the decision of the EC Commission, the EFTA States may raise the issue in the EEA Joint Committee in conformity with Article 5 of the Agreement.

**JOINT DECLARATION  
ON COOPERATION IN CULTURAL AFFAIRS**

The Contracting Parties, having regard to their cooperation within the Council of Europe, recalling the Declaration of 9 April 1984 from the Ministerial meeting in Luxembourg between the European Community and its Member States and the States of the European Free Trade Association, mindful that the establishment of the free movement of goods, services, capital and persons within the EEA will have a significant impact in the field of culture, declare their intention to strengthen and broaden cooperation in the area of cultural affairs, in order to contribute to a better understanding between the peoples of a multi-cultural Europe and to safeguard and further develop the national and regional heritage that enriches European culture by its diversity.

**JOINT DECLARATION  
ON COOPERATION AGAINST ILLEGAL TRAFFIC  
IN CULTURAL GOODS**

The Contracting Parties declare their willingness to establish cooperation arrangements and procedures against illegal traffic in cultural goods as well as arrangements concerning the management of the regime for regular traffic in cultural goods.

Without prejudice to the provisions of the EEA Agreement and other international obligations, these arrangements and procedures shall take into account the legislation which the Community is developing in this field.

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**JOINT DECLARATION**  
**ON THE ASSOCIATION OF COMMUNITY EXPERTS**  
**WITH THE WORK OF COMMITTEES AMONG THE EFTA STATES OR**  
**SET UP BY THE EFTA SURVEILLANCE AUTHORITY**

Having regard to the association of experts of the EFTA States with the work of the EC committees listed in Protocol 37 to the Agreement, Community experts shall on the same basis be associated, at the request of the Community, with the work of any corresponding bodies among the EFTA States or set up by the EFTA Surveillance Authority relating to the same subject matter as covered by the EC committees listed in Protocol 37.

**JOINT DECLARATION**  
**ON ARTICLE 103 OF THE AGREEMENT**

It is the understanding of the Contracting Parties that the reference to the fulfilment of constitutional requirements contained in Article 103(1) of the Agreement and the reference to provisional application contained in Article 103(2) have no practical implications for internal Community procedures.

**JOINT DECLARATION**  
**ON PROTOCOL 35 TO THE AGREEMENT**

It is the understanding of the Contracting Parties that Protocol 35 does not restrict the effects of those existing internal rules which provide for direct effect and primacy of international agreements.

**JOINT DECLARATION**  
**CONCERNING THE FINANCIAL MECHANISM**

Should an EFTA Contracting Party withdraw from EFTA and accede to the Community, appropriate arrangements should be made to ensure that no additional financial obligations are, as a result, incurred by the remaining EFTA States. The Contracting Parties note in this regard the decision by the EFTA States to calculate their respective contributions to the Financial Mechanism based on the GNP at market price data for the three most recent years. As regards any acceding EFTA State, appropriate and equitable solutions should be found in the context of the accession negotiations.

**JOINT DECLARATION**  
**ON THE RELATION BETWEEN THE EEA AGREEMENT AND EXISTING AGREEMENTS**

The EEA Agreement shall not affect rights assured through existing agreements binding one or more EC Member States, on the one hand, and one or more EFTA States, on the other, or two or more EFTA States, such as among others agreements concerning individuals, economic operators, regional cooperation and administrative arrangements, until at least equivalent rights have been achieved under the Agreement.

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**JOINT DECLARATION**  
**ON THE AGREED INTERPRETATION OF ARTICLE 4(1) AND (2)**  
**OF PROTOCOL 9 ON TRADE IN FISH**  
**AND OTHER MARINE PRODUCTS**

1. While the EFTA States will not take over the "acquis communautaire" concerning the fishery policy, it is understood that, where reference is made to aid granted through State resources, any distortion of competition is to be assessed by the Contracting Parties in the context of Articles 92 and 93 of the EEC Treaty and in relation to relevant provisions of the "acquis communautaire" concerning the fishery policy and the content of the Joint Declaration regarding Article 61(3)(c) of the Agreement.
2. While the EFTA States will not take over the "acquis communautaire" concerning the fishery policy, it is understood that, where reference is made to legislation relating to the organization of the market, any distortion of competition caused by such legislation is to be assessed in relation to the principles of the "acquis communautaire" concerning the common organization of the market.

Whenever an EFTA State maintains or introduces national provisions on market organization in the fisheries sector, such provisions shall be considered a priori to be compatible with the principles, referred to in the first subparagraph, if they contain at least the following elements:

- (a) the legislation on producers' organizations reflects the principles of the "acquis communautaire" regarding:
  - establishment on the producers' initiative;
  - freedom to become and cease to be a member;
  - absence of a dominant position, unless necessary in pursuance of objectives corresponding to those specified in Article 39 of the EEC Treaty;
- (b) whenever the rules of producers' organizations are extended to non-members of producers' organizations, the provisions to be applied correspond to those laid down in Article 7 of Regulation (EEC) No 3687/91;
- (c) whenever provisions in respect of interventions to support prices exist or are established, they correspond to those specified in Title III of Regulation (EEC) No 3687/91.

**JOINT DECLARATION**  
**CONCERNING THE APPLICATION**  
**OF TARIFF CONCESSIONS FOR CERTAIN AGRICULTURAL PRODUCTS**

The Contracting Parties declare that in the case of tariff concessions granted for the same product, both under Protocol 3 to the Agreement and under a bilateral agreement on trade in agricultural products as referred to in Protocol 42 to the above-mentioned Agreement, the more advantageous tariff treatment shall be granted upon submission of the relevant documentation.

This is without prejudice to the obligations resulting from Article 16 of the Agreement.

**JOINT DECLARATION**  
**ON PLANT HEALTH ISSUES**

The Contracting Parties state that the existing Community acts in this area are under review. Therefore, this legislation will not be taken over by the EFTA States. New rules will be dealt with according to Articles 99 and 102 of the Agreement.

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**JOINT DECLARATION**  
**ON MUTUAL ASSISTANCE BETWEEN CONTROL AUTHORITIES**  
**IN THE AREA OF SPIRIT DRINKS**

The Contracting Parties agree that any future EC legislation on mutual assistance in the area of spirit drinks between the competent authorities of EC Member States, relevant for this Agreement, shall be dealt with according to the general provisions on decision making of the Agreement.

**JOINT DECLARATION**  
**ON PROTOCOL 47 ON THE ABOLITION**  
**OF TECHNICAL BARRIERS TO TRADE IN WINE**

The adaptation concerning the use of the terms "Federweiss" and "Federweisser" as provided for in the Appendix to Protocol 47, shall be without prejudice to any future modifications of the relevant Community legislation where provisions may be introduced regulating the use of the same terms and their equivalents for wine produced in the Community.

The classification of EFTA States' wine producing regions in wine-growing zone B for the purposes of this Agreement, shall not prejudice any future modifications of the Community's classification scheme which may have a subsequent impact on the classification within the framework of the Agreement. Any such modifications shall be dealt with in accordance with the general provisions of the Agreement.

**JOINT DECLARATION**  
**ON MODIFICATION OF TARIFF CONCESSIONS**  
**AND ON SPECIAL TREATMENT OF SPAIN AND PORTUGAL**

A full implementation of the system outlined in Protocol 3 depends in some Contracting Parties on amendments to the national price compensation system. These amendments are not possible without the modification of tariff concessions. Such modifications would not imply the need for compensation between the Contracting Parties of the EEA Agreement.

The system outlined in Protocol 3 does not preclude the application of the relevant transitional provisions of the Act of Accession of Spain and Portugal and shall not result in the Community, in its composition as of 31 December 1985, granting Contracting Parties to the EEA Agreement a more favourable treatment than the one applied to the new EC Member States. In particular, the application of this system does not preclude the application of the accession price compensatory amounts established in application of the Act of Accession of Spain and Portugal.

**JOINT DECLARATION**  
**ON ANIMAL WELFARE**

Notwithstanding the provisions of point 2, Chapter I (veterinary issues) of Annex I to the Agreement, the Contracting Parties note the new development of the Community legislation in this area and agree to consult each other in case differences in their legislations concerning animal welfare constitute barriers to the free movement of goods. The Contracting Parties agree to monitor the situation in this area.

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**JOINT DECLARATION  
ON THE HARMONIZED SYSTEM**

The Contracting Parties agree to harmonize as soon as possible, and by 31 December 1992 at the latest, the German text of the description of goods in the Harmonized System, contained in the relevant Protocols and Annexes to the EEA Agreement.

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**DECLARATIONS BY THE GOVERNMENTS  
OF THE MEMBER STATES OF THE EC  
AND THE EFTA STATES**

**DECLARATION BY THE GOVERNMENTS OF THE MEMBER STATES  
OF THE EC AND THE EFTA STATES ON THE FACILITATION  
OF BORDER CONTROLS**

In order to promote the free movement of persons, the Member States of the EC and the EFTA States shall, subject to the practical modalities to be defined in appropriate form, cooperate with a view to the facilitation of controls for each other's citizens and the members of their families at borders between their territories.

**DECLARATION BY THE GOVERNMENTS OF THE MEMBER STATES  
OF THE EC AND THE EFTA STATES  
ON POLITICAL DIALOGUE**

The European Community and its Member States and the Member States of the European Free Trade Association expressed their wish to strengthen their political dialogue on foreign policy with the view to developing closer relations in spheres of mutual interest.

They agreed to that end:

- to hold informal exchanges of view at ministerial level at meetings of the EEA Council. As appropriate these exchanges of view could be prepared by meetings at political directors' level;
- to make full use of existing diplomatic channels, in particular the diplomatic representations in the capital of the country holding the EC Presidency, in Brussels and in the capitals of the EFTA Countries;
- to consult informally at conferences and in international organizations;
- that this will in no way affect or replace existing bilateral contacts in this field.



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**INTERIM ARRANGEMENT**  
**TO PREPARE FOR THE ORDERLY ENTRY INTO FORCE**  
**OF THE AGREEMENT**

**COMMISSION  
OF THE  
EUROPEAN COMMUNITIES**

Directorate-General  
External Relations  
The Director General

Mr H. Hafstein,  
Ambassador,  
Head of the EFTA Delegation,  
EFTA Secretariat,  
Rue Arlon 118,  
1040-Brussels.

Brussels,.....

Dear Mr Hafstein,

I refer to our discussions concerning the EEA interim phase and understand that we agree to set up an interim arrangement to prepare for the orderly entry into force of the Agreement.

Under this arrangement, the structures and procedures established during the EEA Negotiations will be maintained. A High Level Interim Group assisted by Expert Interim Groups, analogous to the previous High Level Negotiating Group and the Negotiating Groups, composed by representatives of the Community and of the EFTA States, will i.a. examine in the EEA context Community acquis issued between 1 August 1991 and the entry into force of the Agreement. Consensus will be recorded and finalized either in Additional Protocols to be attached to the EEA Agreement, or in appropriate decisions by the EEA Joint Committee after the entry into force of the Agreement. Any substantial negotiating problems arising under the interim arrangement will be dealt with by the EEA Joint Committee after the entry into force of the Agreement.

It being understood that the information and consultation procedures of the EEA Agreement can only be applied after the latter's entry into force, the Community will inform the EFTA States during the interim phase on proposals for new Community acquis after they have been submitted to the EC Council of Ministers.

I would be grateful for confirmation of your agreement on this interim arrangement.

Yours sincerely,

Horst G. Krenzler

**ICELANDIC MISSION  
to the  
EUROPEAN COMMUNITIES**

Rue Archimède 5  
1040 Bruxelles

Brussels,.....

Dear Mr Krenzler,

I hereby acknowledge receipt today of your letter which reads as follows:

"I refer to our discussions concerning the EEA interim phase and understand that we agree to set up an interim arrangement to prepare for the orderly entry into force of the Agreement.

Under this arrangement, the structures and procedures established during the EEA Negotiations will be maintained. A High Level Interim Group, assisted by Expert Interim Groups, analogous to the previous High Level Negotiating Group and the Negotiating Groups, composed by representatives of the Community and of the EFTA States, will i.a. examine in the EEA context Community acquis issued between 1 August 1991 and the entry into force of the Agreement. Consensus will be recorded and finalized either in Additional Protocols to be attached to the EEA Agreement, or in appropriate decisions by the EEA Joint Committee after the entry into force of the Agreement. Any substantial negotiating problems arising under the interim arrangement will be dealt with by the EEA Joint Committee after the entry into force of the Agreement.

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I would be grateful for confirmation of your agreement on this interim arrangement."

I have the honour to confirm my agreement on this interim arrangement.

Yours sincerely,

(s.) Hannes Hafstein, Ambassador,  
Head of the Icelandic Mission  
to the European Communities

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**ARRANGEMENT**  
**WITH REGARD TO PUBLICATION**  
**OF EEA RELEVANT INFORMATION**

**ICELANDIC MISSION**  
**to the**  
**EUROPEAN COMMUNITIES**

Rue Archimède 5  
1040 Bruxelles  
Brussels,

Subject: **Publication of EEA relevant information**

Sir,

With regard to publication of EEA relevant information to be published after the entry into force of the EEA Agreement, I have the honour to summarize the agreement we have reached as follows.

There will be a co-ordinated system consisting of the Official Journal of the EC and a special EEA supplement thereto. Where information to be published both for the EC and the EFTA States is identical, publication by the EC in the Official Journal of the EC will serve at the same time as publication in the three common EC/EFTA languages, while the information in the remaining four EFTA languages (Finnish, Icelandic, Norwegian and Swedish) will be published in the EEA supplement to the Official Journal of the EC. The EFTA States undertake to provide an appropriate infrastructure in order to ensure the timely availability of the necessary translations into the four non-EC EFTA languages. The EFTA States will be responsible for producing the material for the production of the EEA supplement.

The publication system would contain the following elements:

(a) **Decisions of the EEA Joint Committee relating to the acquis and other decisions, acts, notices, etc., by the EEA organs**

The decisions of the EEA Joint Committee relating to the acquis shall be published in the nine official languages in a special EEA section of the Official Journal of the EC. That publication will serve as publication in relation to the three common languages. These decisions will also be published in the EEA supplement in the official languages of the Nordic EFTA States and, under the responsibility of the EFTA States, possibly, for information, in the EFTA working language.

The same applies to other decisions, acts, notices, etc., by the EEA organs, in particular the EEA Council and the EEA Joint Committee.

As concerns decisions by the EEA Joint Committee relating to the acquis, the table of contents of the EEA section will contain references to where the relevant internal EC texts can be found.

(b) **EFTA data with EC relevance**

Information emanating from the EFTA States, the EFTA Surveillance Authority, the Standing Committee of the EFTA States and the EFTA Court regarding, for example, competition, state aid, public procurement and technical standards will be published in the nine official languages of the EC in a special EEA section of the Official Journal of the EC. That publication will also serve as publication for the EFTA States for the three common languages whereas the other four EFTA languages will be produced in the EEA supplement. Where relevant, the table of contents of the EEA section and the EEA supplement, respectively, will contain references to where the corresponding information emanating from the EC and its Member States can be found.

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(c) **EC data with EFTA relevance**

Information emanating from the EC and its Member States regarding, for example, competition, state aid, public procurement and technical standards will be published in the nine official languages of the EC in the Official Journal of the EC. That publication will also serve as publication for the EFTA States for the three common languages whereas the other four EFTA languages will be produced in the EEA supplement. Where relevant, reference will be made to where the corresponding information emanating from the EFTA States, the EFTA Surveillance Authority, the Standing Committee of the EFTA States and the EFTA Court can be found.

The financial aspects of the publication system will be the subject of a separate arrangement.

I should be obliged if you would confirm that you are in agreement with the above.

Please accept, Sir, the assurance of my highest consideration.

Hannes Hafstein,  
Ambassador  
Head of the Icelandic Mission  
to the European Communities

Mr Horst G. Krenzler  
Director-General  
Commission of the European Communities  
Directorate-General I  
Avenue d'Auderghem 35  
Brussels

**COMMISSION  
OF THE  
EUROPEAN COMMUNITIES**

Directorate-General  
External Relations  
The Director General

Mr H. Hafstein,  
Ambassador,  
Head of the EFTA Delegation,  
EFTA Secretariat,  
Rue Arlon 118,  
1040-Brussels.

Brussels,.....

Sir,

I hereby acknowledge receipt today of your letter which reads as follows:

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There will be a co-ordinated system consisting of the Official Journal of the EC and a special EEA supplement thereto. Where information to be published both for the EC and the EFTA States is identical, publication by the EC in the Official Journal of the EC will serve at the same time as publication in the three common EC/EFTA languages, while the information in the remaining four EFTA languages (Finnish, Icelandic, Norwegian and Swedish) will be published in the EEA supplement to the Official Journal of the EC. The EFTA States undertake to provide an appropriate infrastructure in order to ensure the timely availability of the necessary translations into the four non-EC EFTA languages. The EFTA States will be responsible for producing the material for the production of the EEA supplement.

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The same applies to other decisions, acts, notices, etc., by the EEA organs, in particular the EEA Council and the EEA Joint Committee.

As concerns decisions by the EEA Joint Committee relating to the acquis, the table of contents of the EEA section will contain references to where the relevant internal EC texts can be found.

(b) **EFTA data with EC relevance**

Information emanating from the EFTA States, the EFTA Surveillance Authority, the Standing Committee of the EFTA States and the EFTA Court regarding, for example, competition, state aid, public procurement and technical standards will be published in the nine official languages of the EC in a special EEA section of the Official Journal of the EC. That publication will also serve as publication for the EFTA States for the three common languages whereas the other four EFTA languages will be produced in the EEA supplement. Where relevant, the table of contents of the EEA section and the EEA supplement, respectively, will contain references to where the corresponding information emanating from the EC and its Member States can be found.

(c) **EC data with EFTA relevance**

Information emanating from the EC and its Member States regarding, for example, competition, state aid, public procurement and technical standards will be published in the nine official languages of the EC in the Official Journal of the EC. That publication will also serve as publication for the EFTA States for the three common languages whereas the other four EFTA languages will be produced in the EEA supplement. Where relevant, reference will be made to where the corresponding information emanating from the EFTA States, the EFTA Surveillance Authority, the Standing Committee of the EFTA States and the EFTA Court can be found.

The financial aspects of the publication system will be the subject of a separate arrangement.

I should be obliged if you would confirm that you are in agreement with the above."

I have the honour to confirm my agreement to the above.

Please accept, Sir, the assurance of my highest consideration.

(s.) Horst G. Krenzler

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**ARRANGEMENT REGARDING  
THE PUBLICATION OF EFTA NOTICES  
ON PROCUREMENT**

**COMMISSION  
OF THE  
EUROPEAN COMMUNITIES**

Directorate-General  
External Relations  
The Director General

Mr H. Hafstein,  
Ambassador,  
Head of the EFTA Delegation,  
EFTA Secretariat,  
Rue Arlon 118,  
1040-Brussels.

Brussels,.....

Subject: **Publication of EFTA notices on procurement**

Dear Mr Hafstein,

With regard to the publication of the EFTA notices in the Official Journal of the EC as provided for in Annex XVI to the EEA Agreement and in particular in paragraph 2(a) and (b) thereof, I have the honour to summarize the agreement we have reached as follows:

- (a) the EFTA notices shall be sent, in at least one of the Community languages, to the Office for Official Publication of the European Communities (OPOCE); the notice shall specify in which EC language the notice shall be considered as authentic;
- (b) the OPOCE shall publish the notice which is considered as being authentic, in full, in the Official Journal and in the TED data bank; a summary of the important elements shall be published in the other official languages of the Community;
- (c) the EFTA notices shall be published, by the OPOCE, in the S-series of the EC Official Journal along with EC notices and within the time limits provided for in the acts referred to in Annex XVI;
- (d) the EFTA States undertake to ensure that notices shall be transmitted to the OPOCE in an official language of the Community in good time so that, provided the obligation of the OPOCE to translate the notices into the official languages of the Community and to publish them in the Official Journal and in TED within a period of 12 days (in urgent cases 5 days) is respected, the time available to suppliers and contractors to present bids or expressions of interest shall not be reduced with respect to the time limits referred to in Annex XVI;
- (e) the EFTA notices shall be sent in the format of the model notices annexed to the acts referred to in Annex XVI; however, with a view to setting up an efficient and timely system of translation and publication, the EFTA States take note that they are recommended to set up standardized notices for each of their States along the lines of those recommended for each of the twelve Member States in Recommendation 91/561/EEC of 24 October 1991<sup>(1)</sup>;

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(1) OJ No L 305 of 6.11.1991 and OJ No S 217 A - N of 16.11.1991.

- (f) the contracts signed in 1988 and 1989 by the EC Commission acting through the OPOCE and the respective designated contractors of Sweden, Norway, Finland, Switzerland and Austria on the publication of EFTA supply contracts covered by the GATT Agreement on Government Procurement shall be terminated by the time the EEA Agreement enters into force;
- (g) the financial aspects of this publication system shall be subject to the separate arrangement, which will be set up for all the other publications relevant to the EEA.

I should be obliged if you would confirm that you are in agreement with the above.

Yours sincerely,

(s.) Horst G. Krenzler



**ICELANDIC MISSION  
To The  
EUROPEAN COMMUNITIES**

Rue Archimède 5  
1040 Bruxelles

Brussels,.....

Sir,

I hereby acknowledge receipt today of your letter reading as follows:

**"Subject: Publication of EFTA Notices on procurement**

With regard to the publication of the EFTA notices in the Official Journal of the EC as provided for in Annex XVI to the EEA Agreement and in particular in paragraph 2(a) and (b) thereof, I have the honour to summarize the agreement we have reached as follows:

- (a) the EFTA notices shall be sent, in at least one of the Community languages, to the Office for Official Publication of the European Communities (OPOCE); the notice shall specify in which EC language the notice shall be considered as authentic;
- (b) the OPOCE shall publish the notice which is considered as being authentic, in full, in the Official Journal and in the TED data bank; a summary of the important elements shall be published in the other official languages of the Community;
- (c) the EFTA notices shall be published, by the OPOCE, in the S-series of the EC Official Journal along with EC notices and within the time limits provided for in the acts referred to in Annex XVI;
- (d) the EFTA States undertake to ensure that notices shall be transmitted to the OPOCE in an official language of the Community in good time so that, provided the obligation of the OPOCE to translate the notices into the official languages of the Community and to publish them in the Official Journal and in TED within a period of 12 days (in urgent cases 5 days) is respected, the time available to suppliers and contractors to present bids or expressions of interest shall not be reduced with respect to the time limits referred to in Annex XVI;
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- (g) the financial aspects of this publication system shall be subject to the separate arrangement, which will be set up for all the other publications relevant to the EEA.

I should be obliged if you would confirm that you are in agreement with the above."

I have the honour to confirm my agreement to the above.

Yours faithfully,

Hannes Hafstein, Ambassador,  
Head of the Icelandic Mission  
to the European Communities

Mr Horst G. Krenzler  
Director-General

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**AGREED MINUTES OF THE NEGOTIATIONS  
FOR AN AGREEMENT BETWEEN THE EUROPEAN  
ECONOMIC COMMUNITY, THE EUROPEAN COAL  
AND STEEL COMMUNITY AND THEIR MEMBER  
STATES AND THE EFTA STATES  
ON THE EUROPEAN ECONOMIC AREA**

The Contracting Parties agreed that:

*Ad Article 26 and Protocol 13*

before the entry into force of the Agreement the Community shall, together with the interested EFTA States, examine whether the conditions are fulfilled in which Article 26 of the Agreement, irrespective of the provisions set forth in the first paragraph in Protocol 13, will apply between the Community and the EFTA States concerned in the fisheries sector;

*Ad Article 56(3)*

the word "appreciable" in Article 56(3) of the Agreement is understood to have the meaning it has in the Commission Notice of 3 September 1986 on agreements of minor importance which do not fall under Article 85(1) of the Treaty establishing the European Economic Community (OJ No C 231, 12.9.1986, p. 2);

*Ad Article 90*

the rules of procedure of the EEA Council will make it clear that, when taking decisions, EFTA Ministers speak with one voice;

*Ad Article 91*

the EEA Council shall, if necessary, provide in its rules of procedure for the possibility of establishing any subcommittee or working party;

*Ad Article 91(2)*

the rules of procedure of the EEA Council will make it clear that the words "whenever circumstances so require", in Article 91(2), cover the situation where a Contracting Party makes use of its "droit d'évocation" in conformity with Article 89(2);

*Ad Article 94(3)*

it is understood that the EEA Joint Committee will at one of its first meetings, when adopting its rules of procedure, decide on the setting up of subcommittees or working groups particularly needed to assist it in carrying out its tasks, e.g. in the field of origin and other customs matters;

*Ad Article 102(5)*

in the case of a provisional suspension under Article 102(5) the scope and entry into force thereof shall be adequately published;

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***Ad Article 102(6)***

Article 102(6) applies only to actually acquired rights but not to expectations only. Some examples of such acquired rights would be:

- a suspension relating to free movement of workers will not affect the right of a worker to remain in a Contracting Party he had moved to already before the rules were suspended;
- a suspension relating to freedom of establishment will not affect the rights of a company in a Contracting Party in which it had established itself already before the rules were suspended;
- a suspension relating to investment, e.g. in real estate, will not affect investments made already before the date of suspension;
- a suspension relating to public procurement will not affect the execution of a contract awarded already before the suspension;
- a suspension relating to the recognition of a diploma shall not affect the right of a holder of such a diploma to continue his professional activities thereunder in a Contracting Party not having awarded the diploma;

***Ad Article 103***

if a decision is adopted by the EEA Council, Article 103(1) shall apply;

***Ad Article 109(3)***

the term "application" in Article 109(3) also covers implementation of the Agreement;

***Ad Article 111***

suspension is not in the interest of the good functioning of the Agreement and all efforts should be made to avoid it;

***Ad Article 112(1)***

the provisions of Article 112(1) also cover the situation in a given area;

***Ad Article 123***

they would not make improper use of provisions in Article 123 to prevent the disclosure of information in the field of competition;

***Ad Article 129***

should any one of them not be prepared to ratify the Agreement, the signatories shall review the situation;

***Ad Article 129***

should any one of them not ratify the Agreement, the remaining Contracting Parties shall convene a diplomatic conference to assess the effects of the non-ratification for the Agreement and to examine the possibility of adopting a Protocol containing the amendments which will be subject to necessary internal procedures. Such a conference shall be convened as soon as it has become clear that one of the Contracting Parties will not ratify the Agreement or at the latest if the date of entry into force of the Agreement is not respected;

***Ad Protocol 3***

Appendices 2 to 7 will be completed before the entry into force of the Agreement;

Appendices 2 to 7 shall be worked out as soon as possible and in any case before 1 July 1992. With regard to Appendix 2 experts shall work out a list of raw materials subject to price compensation on the basis of raw materials subject to price compensation measures in the Contracting Parties prior to the entry into force of the Agreement;

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***Ad Protocol 3, Article 11***

with a view to facilitating the application of Protocol No 2 of the Free Trade Agreements, the provisions of Protocol No 3 to each of these Free Trade Agreements concerning the definition of the concept of "originating products" and methods of administrative cooperation shall be amended before the entry into force of the EEA Agreement. These amendments shall aim at bringing the above-mentioned provisions, inter alia those concerning proof of origin and administrative cooperation, as much in line with those of Protocol 4 of the EEA Agreement as possible while maintaining the "diagonal" cumulation system and the corresponding provisions currently applicable in the framework of Protocol No 3. It is thus understood that these amendments shall not modify the degree of liberalization achieved under the Free Trade Agreements;

***Ad Protocol 9***

before the entry into force of the Agreement, the Community and the interested EFTA States shall continue their discussions of legislative adaptations in relation to the issue of transit of fish and fishery products in order to find a satisfactory arrangement;

***Ad Protocol 11, Article 14(3)***

the Community, while fully complying with the coordination role of the Commission, will develop direct contacts, as set out in the Commission working document XX1/201/89, where this may grant flexibility and efficiency to the functioning of this Protocol, in so far as this is on a reciprocal basis;

***Ad Protocol 16 and Annex VI<sup>{5}</sup>***

the possibility of maintaining bilateral agreements in the area of social security after the expiration of the transitional periods relating to free movement of persons can be discussed bilaterally between Switzerland and the interested States;

***Ad Protocol 20***

the Contracting Parties shall, within the framework of the international organizations concerned, elaborate the rules for the application of structural improvement measures to the Austrian fleet, taking into account the extent to which this fleet will participate in the market for which the structural improvement measures were designed. Due account shall be paid to the date by which the obligations of Austria under the structural improvement measures become effective;

***Ad Protocols 23 and 24 (Articles 12 concerning languages)***

the EC Commission and the EFTA Surveillance Authority will provide for practical arrangements for mutual assistance or any other appropriate solution concerning in particular the question of translations;

***Ad Protocol 30***

the following EC committees in the field of statistical information have been identified as being committees in which the EFTA States shall participate fully in accordance with Article 2 of this Protocol:

1. *Committee on the Statistical Programmes of the European Communities*

as established in:

**389 D 0382:** Council Decision 89/382/EEC, EURATOM of 19 June 1989 establishing a Committee on the Statistical Programmes of the European Communities (OJ No L 181, 28.6.1989, p. 47);

2. *Committee on Monetary, Financial and Balance of Payments Statistics*

as established in:

**391 D 0115:** Council Decision 91/115/EEC of 25 February 1991 establishing a Committee on monetary, financial and balance of payments statistics (OJ No L 59, 6.3.1991, p. 19);

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<sup>{5}</sup> Agreement laid down in the Agreed Minutes Ad Protocol 16 and Annex VI has lapsed following the Final Act to the Adjusting Protocol.

3. *Committee on Statistical Confidentiality*

as established in:

**390 R 1588:** Council Regulation (EURATOM, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities (OJ No L 151, 15.6.1990, p. 1);

4. *Committee on the Harmonization of the Compilation of GNP at Market Prices*

as established in:

**389 L 0130:** Council Directive 89/130/EEC, EURATOM of 13 February 1989 on the harmonization of gross national product at market prices (OJ No L 49, 21.2.1989, p. 26);

5. *Advisory Committee on Economic and Social Statistics*

as established in:

**391 D 0116:** Council Decision 91/116/EEC of 25 February 1991 setting up the European Advisory Committee on Statistical Information in the economic and social spheres (OJ No L 59, 6.3.1991, p. 21).

The EFTA States' rights and obligations in the said EC committees are governed by the Joint Declaration on applicable procedures in cases where, by virtue of Article 76 and Part VI of the Agreement and the corresponding Protocols, EFTA States participate fully in EC committees;

***Ad Protocol 36, Article 2***

the EFTA States will, before the entry into force of the Agreement, decide on the number of members from each of their Parliaments in the EEA Joint Parliamentary Committee;

***Ad Protocol 37***

in accordance with Article 6 of Protocol 23, the reference to the Advisory Committee on Restrictive Practices and Dominant Positions (Council Regulation No 17/62) also covers:

- the Advisory Committee on Restrictive Practices and Monopolies in the Transport Industry (Council Regulation (EEC) No 1017/68);
- the Advisory Committee on Agreements and Dominant Positions in the Maritime Transport (Council Regulation (EEC) No 4056/86);
- the Advisory Committee on Agreements and Dominant Positions in the Air Transport (Council Regulation (EEC) No 3975/87);

***Ad Protocol 37***

in application of the review clause in Article 101(2) of the Agreement, one more committee will be added, at the entry into force of the Agreement, to the list contained in Protocol 37:

Coordinating Group on Mutual Recognition of Higher-Education Diplomas (Council Directive 89/48/EEC).

The modalities of participation will be specified;

***Ad Protocol 47***

they will elaborate a system for mutual assistance between authorities responsible for ensuring compliance with Community and national provisions in the wine sector on the basis of the relevant provisions of Council Regulation (EEC) No 2048/89 of 19 June 1989 laying down general rules on controls in the wine sector. The modalities for this mutual assistance will be established before the entry into force of the Agreement. Until such a system has been established, the relevant provisions of the bilateral agreements between the Community and Switzerland and<sup>{6}</sup> the Community and Austria on cooperation and control in the wine sector shall prevail;

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<sup>{6}</sup> Words "the Community and Switzerland and " deleted by the Final Act to the Adjusting Protocol.

***Ad Annexes VI and VII***

further specific adaptations as described in an NG III document dated 11 November 1991 have still to be made before the entry into force of the EEA Agreement in the field of social security and mutual recognition of professional qualifications;

***Ad Annex VII***

from the entry into force of the EEA Agreement, no State to which this Agreement applies may invoke Article 21 of Council Directive 75/362/EEC of 16 June 1975 (OJ No L 167, 30.6.1975, p. 1) to require nationals from other States to which the Agreement applies to complete an additional preparatory training in order to become eligible for appointment as a doctor of a social security scheme;

***Ad Annex VII***

from the entry into force of the EEA Agreement, no State to which this Agreement applies may invoke Article 20 of Council Directive 78/686/EEC of 25 July 1978 (OJ No L 233, 24.8.1978, p. 1) to require nationals from other States to which the Agreement applies to complete an additional preparatory training in order to become eligible for appointment as a dental practitioner of a social security scheme;

***Ad Annex VII<sup>{7}</sup>***

engineers of the Foundation of the Swiss Register of Engineers, Architects and Technicians (REG) are covered by Article 1(d), first subparagraph, of Council Directive 89/48/EEC of 21 December 1988 (OJ No L 19, 24.1.1989, p. 16) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, in so far as they fulfil the provisions of Article 1(a) of this Directive;

***Ad Annex IX***

before 1 January 1993 Finland, Iceland and Norway shall each draw up a list of the non-life insurance undertakings that are exempt from the requirements of Articles 16 and 17 of Council Directive 73/239/EEC (OJ No L 228, 16.8.1973, p. 3) and shall communicate them to the other Contracting Parties;

***Ad Annex IX***

before 1 January 1993 Iceland shall draw up a list of the life insurance undertakings that are exempt from the requirements of Articles 18, 19 and 20 of Council Directive 79/267/EEC (OJ No L 63, 13.3.1979, p. 1), and shall communicate them to the other Contracting Parties;

***Ad Annex XIII***

they shall examine Council Directive 91/439/EEC of 29 July 1991 on driving licences, in accordance with the jointly agreed procedure, with a view to its inclusion in Annex XIII on transport;

***Ad Annex XIII***

the EFTA States which are Contracting Parties to the European Agreement concerning the work of crews of vehicles engaged in international road transport (AETR) shall, before the entry into force of the present Agreement, introduce the following reservation to the AETR:

"Transport operations between Contracting Parties to the EEA Agreement shall be regarded as national transport operations within the meaning of the AETR in so far as such operations do not pass in transit through the territory of a third State which is a Contracting Party to the AETR."

The Community shall take the necessary measures in order to bring about corresponding modifications in the reservations of the EC Member States;

***Ad Annex XVI***

It is understood that Article 100 of the Agreement shall apply to the committees in the field of public procurement.

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<sup>{7}</sup> Agreement laid down in the Agreed Minutes Ad Annex VII has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATIONS BY ONE OR MORE  
OF THE CONTRACTING PARTIES  
TO THE AGREEMENT  
ON THE EUROPEAN ECONOMIC AREA**

**DECLARATION**

**BY THE GOVERNMENTS OF FINLAND, ICELAND,  
NORWAY AND SWEDEN ON ALCOHOL MONOPOLIES**

Without prejudice to the obligations arising under the Agreement, Finland, Iceland, Norway and Sweden recall that their alcohol monopolies are based on important health and social policy considerations.

**DECLARATION**

**BY THE GOVERNMENTS OF LIECHTENSTEIN AND SWITZERLAND  
ON ALCOHOL MONOPOLIES<sup>{8}</sup>**

Without prejudice to the obligations arising under the Agreement, Switzerland and Liechtenstein declare that their alcohol monopolies are based on important agricultural, health and social policy considerations.

**DECLARATION**

**BY THE EUROPEAN COMMUNITY  
ON MUTUAL ASSISTANCE IN CUSTOMS MATTERS**

The European Community and its Member States declare that they understand the last sentence of Article 11(1) of Protocol 11 on Mutual Assistance in Customs Matters as being covered by the provisions of Article 2(2) of this Protocol.

**DECLARATION**

**BY THE GOVERNMENTS OF THE EFTA STATES  
ON FREE CIRCULATION OF LIGHT DUTY COMMERCIAL VEHICLES**

The free circulation, as defined in Annex II on technical regulations, standards, testing and certification, Part I Motor vehicles, of light duty commercial vehicles from 1 January 1995 is accepted by the EFTA States on the understanding that new legislation will be applicable, by that date, in line with the other vehicle categories.

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<sup>{8}</sup> The declaration made by the Government of Switzerland has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATION**  
**BY THE GOVERNMENT OF LIECHTENSTEIN**  
**ON PRODUCT LIABILITY**

The Government of the Principality of Liechtenstein, with regard to Article 14 of Council Directive 85/374/EEC, declares that the Principality of Liechtenstein shall by the entry into force of this Agreement have introduced, to the extent necessary, legislation on nuclear accident protection equivalent to that afforded by international conventions.

**DECLARATION**  
**BY THE GOVERNMENT OF LIECHTENSTEIN**  
**ON THE SPECIFIC SITUATION OF THE COUNTRY**

The Government of the Principality of Liechtenstein,

Referring to paragraph 18 of the Joint Declaration of 14 May 1991 from the Ministerial meeting between the European Community, its Member States and the Countries of the European Free Trade Association;

Reaffirming the duty to ensure compliance with all provisions of the EEA Agreement and to apply them in good faith;

Expects that due regard will be paid under the EEA Agreement to the specific geographical situation of Liechtenstein;

Considers that a situation justifying the taking of the measures referred to in Article 112 of the EEA Agreement shall in particular be considered to exist if capital inflows from another Contracting Party are liable to endanger the access of the resident population to real estate, or in the case of an extraordinary increase in the number of nationals from the EC Member States or the other EFTA States, or in the total number of jobs in the economy, both in comparison with the number of the resident population.

**DECLARATION**  
**BY THE GOVERNMENT OF AUSTRIA**  
**ON SAFEGUARDS**

Austria declares that due to the specific geographical situation, the available settlement area (particularly the land available for housing construction) is scarce above average in parts of Austria. Accordingly, disturbances on the real estate market could eventually lead to serious economic, societal or environmental difficulties of a regional nature within the meaning of the safeguard clause contained in Article 112 of the EEA Agreement and require measures under this Article.

**DECLARATION BY THE EUROPEAN COMMUNITY**

The European Community considers that the declaration by the Government of Austria on safeguards shall be without prejudice to the rights and obligations of the Contracting Parties under the Agreement.



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**DECLARATION**  
**BY THE GOVERNMENT OF ICELAND**  
**ON THE USE OF SAFEGUARD MEASURES**  
**UNDER THE EEA AGREEMENT**

Due to the one-sided nature of its economy and the fact that its territory is sparsely populated, Iceland states its understanding that, without prejudice to the obligations arising under the Agreement, it may take safeguard measures if the application of the Agreement is to cause in particular:

- serious disturbances on the labour market through large-scale movements of labour into certain geographical areas, particular types of jobs, or branches of industry; or
- serious disturbances in the real estate market.

**DECLARATION**  
**BY THE GOVERNMENT OF SWITZERLAND**  
**ON SAFEGUARD MEASURES<sup>{9}</sup>**

For reasons of its particular geographical and demographic situation Switzerland states its understanding that it would have the possibility to take measures to limit the immigration from EEA countries in cases of imbalances of a demographic, social or ecological nature resulting from migratory movements of EEA nationals.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY<sup>{10}</sup>**

The European Community considers that the declaration by the Government of Switzerland on safeguard measures shall be without prejudice to the rights and obligations of the Contracting Parties under the Agreement.

**DECLARATION**  
**BY THE GOVERNMENT OF SWITZERLAND**  
**ON THE INTRODUCTION OF POST-DIPLOMA STUDIES**  
**IN ARCHITECTURE AT THE HIGHER TECHNICAL COLLEGES<sup>{11}</sup>**

By asking to insert the diplomas in architecture awarded by the Swiss Higher Technical Colleges into Article 11 of Directive 85/384/EEC, the Swiss Confederation declares its willingness to establish a complementary post-diploma training of one year at academic level, sanctioned by an examination, in order to render the whole of the studies conform with the requirements of Article 4(1)(a). This complementary training will be introduced by the Federal Office for Industry and Labour by the beginning of the academic year 1995/1996.

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<sup>{9}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.  
<sup>{10}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.  
<sup>{11}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATION**  
**BY THE GOVERNMENTS OF AUSTRIA AND SWITZERLAND**  
**ON AUDIOVISUAL SERVICES<sup>{12}</sup>**

With reference to Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, the Government of Austria and the Government of Switzerland state that, in accordance with existing EC law, as interpreted by the Court of Justice of the European Communities, they will have the possibility of taking appropriate measures in case of delocalisation for the purpose of circumvention of their domestic legislation.

**DECLARATION**  
**BY THE GOVERNMENTS OF LIECHTENSTEIN AND SWITZERLAND**  
**ON ADMINISTRATIVE ASSISTANCE<sup>{13}</sup>**

With reference to the provisions of the Agreement on the European Economic Area dealing with cooperation between supervisory authorities in the field of financial services (banking, UCITS and trade in securities), the Governments of Liechtenstein and Switzerland underline the importance they attach to the principles of secrecy and speciality and state their understanding that information provided by their competent authorities will be treated by the receiving authorities according to those principles. Without prejudice to the cases specified in the relevant acquis, this means that:

- all persons working or having worked for the authorities receiving information shall be bound by professional secrecy. Information specified as confidential will be treated accordingly;
- competent authorities receiving confidential information may use it only for the performance of their duties as specified in the relevant acquis.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY<sup>{14}</sup>**

The European Community considers that the declaration made by the Governments of Switzerland and Liechtenstein on administrative assistance shall be without prejudice to the rights and obligations of the Contracting Parties under the Agreement.

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<sup>{12}</sup> The declaration made by the Government of Switzerland has lapsed following the Final Act to the Adjusting Protocol  
<sup>{13}</sup> The declaration made by the Government of Switzerland has lapsed following the Final Act to the Adjusting Protocol.  
<sup>{14}</sup> The declaration made by the European Community with reference to Switzerland has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATION**  
**BY THE GOVERNMENT OF SWITZERLAND**  
**ON THE USE OF THE SAFEGUARD CLAUSE**  
**IN CONNECTION WITH CAPITAL MOVEMENTS<sup>{15}</sup>**

Considering the fact that in Switzerland the supply of land for productive use is particularly low, that the foreign demand for real estate has been traditionally high and that, in addition, the share of the resident population living in its own property is low as compared to the rest of Europe, Switzerland states its understanding that it may in particular take safeguard measures if capital inflows originating from other Contracting Parties lead to disturbances in the real estate market which, inter alia, could endanger the access of the resident population to real estate.

**DECLARATION BY THE EUROPEAN COMMUNITY<sup>{16}</sup>**

The European Community considers that the declaration by the Government of Switzerland on the use of the safeguard clause in connection with capital movements, shall be without prejudice to the rights and obligations of the Contracting Parties under the Agreement.

**DECLARATION**  
**BY THE GOVERNMENT OF NORWAY**  
**ON THE DIRECT ENFORCEABILITY OF DECISIONS BY THE**  
**EC INSTITUTIONS REGARDING PECUNIARY OBLIGATIONS**  
**ADDRESSED TO ENTERPRISES LOCATED IN NORWAY**

The attention of the Contracting Parties is drawn to the fact that the present constitution of Norway does not provide for direct enforceability of decisions by the EC institutions regarding pecuniary obligations addressed to enterprises located in Norway. Norway acknowledges that such decisions should continue to be addressed directly to these enterprises and that they should fulfil their obligations in accordance with the present practice. The said constitutional limitations to direct enforceability of decisions by the EC institutions regarding pecuniary obligations do not apply to subsidiaries and assets in the territory of the Community belonging to enterprises located in Norway.

If difficulties should arise, Norway is prepared to enter into consultations and work towards a mutually satisfactory solution.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**

The Commission will keep the situation referred to in Norway's unilateral declaration under constant review. It may at any time initiate consultations with Norway with a view to finding satisfactory solutions to such problems as may arise.

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<sup>{15}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.  
<sup>{16}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATION**  
**BY THE GOVERNMENT OF AUSTRIA**  
**ON THE ENFORCEMENT ON ITS TERRITORY OF DECISIONS**  
**BY EC INSTITUTIONS REGARDING**  
**PECUNIARY OBLIGATIONS**

Austria declares that its obligation to enforce on its territory decisions by EC institutions which impose pecuniary obligations shall only refer to such decisions which are fully covered by the provisions of the EEA Agreement.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**

The Community understands the Austrian declaration to mean that the enforcement of decisions imposing pecuniary obligations on undertakings will be ensured on Austrian territory to the extent that the decisions imposing such obligations are based - even if not exclusively - on provisions contained in the EEA Agreement.

The Commission may at any time initiate consultations with the Government of Austria with a view to finding satisfactory solutions to such problems as may arise.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON SHIPBUILDING**

It is the agreed policy of the European Community to progressively reduce the level of contract-related production aid paid to shipyards. The Commission is working to bring down the level of the ceiling as far as and as fast as is consistent with the 7th Directive (90/684/EEC).

The 7th Directive expires at the end of 1993. In deciding whether a new Directive is necessary, the Commission will also review the competitive situation in shipbuilding throughout the EEA in the light of progress made towards the reduction or elimination of contract-related production aid. When conducting this review the Commission will closely consult with the EFTA States, taking due account of the results of efforts in a wider international context and with a view to creating conditions which ensure that competition is not distorted.

**DECLARATION**  
**BY THE GOVERNMENT OF IRELAND**  
**CONCERNING PROTOCOL 28 ON INTELLECTUAL**  
**PROPERTY - INTERNATIONAL CONVENTIONS**

Ireland understands Article 5(1) of Protocol 28 as imposing a requirement on the Government of Ireland to undertake, subject to its constitutional requirements, to take all necessary steps to obtain adherence to the Conventions listed.

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**DECLARATION**  
**BY THE GOVERNMENTS OF THE EFTA STATES**  
**ON THE CHARTER OF FUNDAMENTAL**  
**SOCIAL RIGHTS FOR WORKERS**

The Governments of the EFTA States share the view that enlarged economic cooperation must be accompanied by progress in the social dimension of integration, to be achieved in full cooperation with the social partners. The EFTA States wish actively to contribute to the development of the social dimension of the European Economic Area. They therefore welcome the strengthened cooperation in the social field with the Community and its Member States established under this Agreement. Recognizing the importance of guaranteeing, in this context, the fundamental social rights for workers within the whole EEA, the above-mentioned Governments endorse the principles and basic rights laid down in the Charter of the Fundamental Social Rights for Workers of 9 December 1989 recalling the principle of subsidiarity referred to therein. They note that, in the implementation of such rights, due regard must be given to the diversity of national practices, especially as regards the role of the social partners and collective agreements.

**DECLARATION**  
**BY THE GOVERNMENT OF AUSTRIA**  
**ON THE IMPLEMENTATION OF ARTICLE 5**  
**OF DIRECTIVE 76/207/EEC**  
**IN RESPECT OF NIGHT-WORK**

The Republic of Austria,  
aware of the principle of equal treatment as laid down in the present Agreement;  
in view of Austria's obligation under the present Agreement to incorporate the *acquis communautaire* into the Austrian legal order;  
considering other obligations undertaken by Austria under public international law;  
having regard to the effects harmful to health of night-work and to the particular need of female workers for protection;  
declares its willingness to take account of the particular need of female workers' protection.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**

The European Community considers that the unilateral declaration made by the Government of Austria on the implementation of Article 5 of Directive 76/207/EEC in respect of night-work shall be without prejudice to the rights and obligations of the Contracting Parties under the Agreement.

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**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON THE RIGHTS FOR THE EFTA STATES**  
**BEFORE THE EC COURT OF JUSTICE**

1. In order to reinforce the legal homogeneity within the EEA through the opening of intervention possibilities for EFTA States and the EFTA Surveillance Authority before the EC Court of Justice, the Community will amend Articles 20 and 37 of the Statute of the Court of Justice and the Court of First Instance of the European Communities.
2. In addition, the Community will take the necessary measures to ensure that EFTA States, in so far as the implementation of Articles 2(2)(b) and 6 of Protocol 24 to the EEA Agreement is concerned, will have the same rights as EC Member States under Article 9(9) of Regulation (EEC) No 4064/89.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON THE RIGHTS OF LAWYERS OF THE EFTA STATES**  
**UNDER COMMUNITY LAW**

The Community undertakes to amend the Statute of the Court of Justice and the Court of First Instance of the European Communities so as to ensure that agents appointed for each case, when representing an EFTA State or the EFTA Surveillance Authority, may be assisted by an adviser or by a lawyer entitled to practise before a court of an EFTA State. It also undertakes to ensure that lawyers entitled to practise before a court of an EFTA State may represent individuals and economic operators before the Court of Justice and the Court of First Instance of the European Communities.

Such agents, advisers and lawyers shall, when they appear before the Court of Justice and the Court of First Instance of the European Communities, enjoy the rights and immunities necessary to the independent exercise of their duties, under the conditions to be laid down in the rules of procedure of those Courts.

In addition, the Community will take the necessary measures in order to ensure lawyers of the EFTA States the same rights as to legal privilege under Community law as lawyers of EC Member States.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON THE PARTICIPATION OF THE EFTA STATES' EXPERTS**  
**IN EEA RELEVANT EC COMMITTEES IN APPLICATION**  
**OF ARTICLE 100 OF THE AGREEMENT**

The Commission of the European Communities confirms that in the application of the principles laid down in Article 100, it is understood that each EFTA State will designate its own experts. Those experts will be involved on an equal footing together with national experts from the EC Member States in the work preparatory to the convening of the EC committees relevant to the "acquis" in question. The EC Commission will pursue consultations as long as deemed necessary, until the Commission submits its proposal at a formal meeting.

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**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON ARTICLE 103 OF THE AGREEMENT**

The European Community considers that until the constitutional requirements referred to in Article 103(1) of the Agreement are fulfilled by the EFTA States, it can delay the definitive application of the EEA Joint Committee decision referred to in the same Article.

**DECLARATION**  
**BY THE GOVERNMENTS OF THE EFTA STATES**  
**ON ARTICLE 103(1) OF THE AGREEMENT**

Aiming to achieve a homogeneous EEA, and without prejudice to the functioning of their democratic institutions, the EFTA States will use their best endeavours to promote the fulfilment of the necessary constitutional requirements as foreseen in the first subparagraph of Article 103(1) of the EEA Agreement.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON TRANSIT IN THE FISHERIES SECTOR**

It is the Community's understanding that Article 6 of Protocol 9 will also be applicable if a mutually satisfactory arrangement on the question of transit is not found before the entry into force of the Agreement.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY AND THE GOVERNMENTS**  
**OF AUSTRIA, FINLAND, LIECHTENSTEIN, SWEDEN**  
**AND SWITZERLAND ON WHALE PRODUCTS<sup>{17}</sup>**

The European Community and the Governments of Austria, Finland, Liechtenstein, Sweden and Switzerland declare that Appendix 2, Table I, of Protocol 9 is without prejudice to the import ban which they apply for whale products.

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<sup>{17}</sup> The declaration made by the Government of Switzerland has lapsed following the Final Act to the Adjusting Protocol.

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**DECLARATION**  
**BY THE GOVERNMENT OF SWITZERLAND**  
**CONCERNING CUSTOMS DUTIES OF A FISCAL NATURE<sup>{18}</sup>**

The internal procedure in view of the transformation of customs duties of a fiscal nature into internal taxation has been launched.

Without prejudice to Protocol 5 to the Agreement, Switzerland will eliminate these duties on the tariff positions listed in the table attached to Protocol 5, subject to the approval, according to its internal legislation, of the necessary constitutional and legislative modifications, at the moment when the internal taxation enters into force.

A referendum on this subject will be held before the end of 1993.

In case of a positive outcome of the constitutional referendum, best efforts will be undertaken in order to proceed to the transformation of customs duties of a fiscal nature into internal taxes by the end of 1996.

**DECLARATION**  
**BY THE EUROPEAN COMMUNITY**  
**ON BILATERAL AGREEMENTS<sup>{19}</sup>**

The Community considers that

- the bilateral agreements on transport of goods by road and rail between the European Economic Community and Austria and between the European Economic Community and Switzerland,
- the bilateral agreements on certain arrangements concerning agriculture between the European Economic Community and each EFTA State,
- the bilateral agreements on fisheries between the European Economic Community and Sweden, the European Economic Community and Norway and the European Economic Community and Iceland,

notwithstanding the fact that these agreements have been laid down in separate legal instruments, are part of the overall balance of the results of the negotiations and essential elements for its approval of the EEA Agreement.

The Community therefore reserves its right to suspend the conclusion of the EEA Agreement as long as the ratification of the above-mentioned bilateral agreements has not been notified to the Community by the EFTA States concerned. Moreover, the Community reserves its position as to the consequences to be drawn in case of non-ratification of these agreements.

**DECLARATION**  
**BY THE GOVERNMENT OF SWITZERLAND**  
**ON THE AGREEMENT BETWEEN THE EEC AND THE SWISS CONFEDERATION**  
**ON THE CARRIAGE OF GOODS BY ROAD AND RAIL<sup>{20}</sup>**

Switzerland shall endeavour to ratify the bilateral agreement between the EEC and the Swiss Confederation on carriage of goods by road and rail on time for the ratification of the EEA Agreement, while confirming its position that the EEA Agreement and this bilateral agreement are to be considered as two separate legal instruments with their own merits.

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<sup>{18}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.

<sup>{19}</sup> Declaration made by the European Community with reference to Switzerland has lapsed following the Final Act to the Adjusting Protocol.

<sup>{20}</sup> Declaration has lapsed following the Final Act to the Adjusting Protocol.



**DECLARATION**  
**BY THE GOVERNMENT OF AUSTRIA**  
**ON THE AGREEMENT BETWEEN THE EEC AND THE REPUBLIC OF AUSTRIA**  
**ON THE TRANSIT OF GOODS BY ROAD AND RAIL**

Austria shall endeavour to ratify the bilateral agreement between the EEC and the Republic of Austria on the transit of goods by road and rail on time for the ratification of the EEA Agreement, while confirming its position that the EEA Agreement and this bilateral agreement are to be considered as two separate legal instruments with their own merits.

**DECLARATION**  
**BY THE GOVERNMENTS OF THE EFTA STATES**  
**CONCERNING THE EFTA FINANCIAL MECHANISM**

The EFTA States consider that the "appropriate and equitable solutions" referred to in the Joint Declaration concerning the financial mechanism should have the effect either that an EFTA State acceding to the Community should not be party to any financial obligation entered into by the EFTA financial mechanism after that State's accession to the Community or that a corresponding adjustment should be made to the contributions of that State to the EC general budget.

**DECLARATION**  
**BY THE GOVERNMENTS OF THE EFTA STATES**  
**CONCERNING A COURT OF FIRST INSTANCE**

The EFTA States will establish a court of first instance for cases in the field of competition, should the need arise.

