

How EU law becomes EEA law

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Purpose of the EEA Agreement



Ensure:

- Full participation for the EEA EFTA States Iceland, Liechtenstein and Norway in the internal market ("the four freedoms")
- Equal conditions of competition throughout the EEA



How to achieve full participation in the internal market:

- The same rules must apply: Dynamic agreement
 - New internal market legislation is continuously incorporated into the EEA Agreement
- Principle of homogeneity
 - Internal market legislation should be implemented, interpreted and applied uniformly throughout the EEA



Outline of the process

1. EU drafts new legislation

2. EU adopts new legislation

3. Secretariat: Identification and preliminary assessment

4. EFTA states: Relevance and need for adaptations

5. Secretariat: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States



EEA decision shaping on the EU side

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- When the Commission drafts new legislation:
 - Shall seek advise from experts in EFTA States and EU Member States in the same way (Art. 99 EEA)
- When EU Experts discuss delegated/ implementing acts ('comitology'):
 - Right to participate for EFTA States (Art. 100 EEA)



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REGULATIONS

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| * | Regulation (EU) 2017/1128 of the European Parliament and of the Council of 14 June 2017 on cross-border portability of online content services in the internal market ⁽¹⁾ | 1 |
| * | Regulation (EU) 2017/1129 of the European Parliament and of the Council of 14 June 2017 on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC ⁽¹⁾ | 12 |

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

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Secretariat: Identification and preliminary assessment

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EFTA Secretariat:

- Identifies relevant acts and conducts a preliminary assessment
 - EEA relevance
 - Need for adaptations
- Sends to experts in the EFTA States (Working Groups)
- Proposes procedure: Fast track or Standard



EFTA states: Relevance and adaptations

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EFTA experts (Working Groups) discuss:

- EEA relevance
- Adaptations:
 - Technical adaptations
 - Substantive adaptations
 - Institutional issues e.g. Agencies
 - Exemptions



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- EFTA Secretariat drafts a EEA Joint Committee Decision (JCD) for incorporation of the act(s) into the EEA Agreement
- Draft JCD approved by the EFTA States



Negotiations with the EU

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- Draft JCD handed over to EU side (EEAS)
- Inter-service consultations
 - No adaptation or pure technical adaptations: EEAS/Commission has competence to clear draft
 - Substantive adaptations: Approval of Council (3 – 6 months)



Adoption of EEA Joint Committee Decision

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- After approval by both sides: Adoption by the EEA Joint Committee= EEA EFTA + EU
- 6-8 meetings per year
- Decisions based on consensus
- Constitutional requirements: National implementation required (6 months)
- Applicable EEA law only after JCD has entered into force



DECISION OF THE EEA JOINT COMMITTEE
No 144/2013
of 15 July 2013
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Commission Regulation (EU) No 383/2012 of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip)⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 24f (Directive 2006/126/EC of the European Parliament and of the Council) of Annex XIII to the EEA Agreement:

'24fa. **32012 R 0383**: Commission Regulation (EU) No 383/2012 of 4 May 2012 laying down technical requirements with regard to driving licences which include a storage medium (microchip) (OJ L 120, 5.5.2012, p. 1).

The provisions of the Regulation shall, for the purpose of this Agreement, be read with the following adaptation:

In point III.4.2 of Annex III, the following shall be added to letter (a) regarding the distinguishing numbers:

“— 14 for Iceland

— 15 for Liechtenstein

— 16 for Norway”

Article 2

The text of Regulation (EU) No 383/2012 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 16 July 2013, provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 15 July 2013.

For the EEA Joint Committee
The President
Thórir IBSEN

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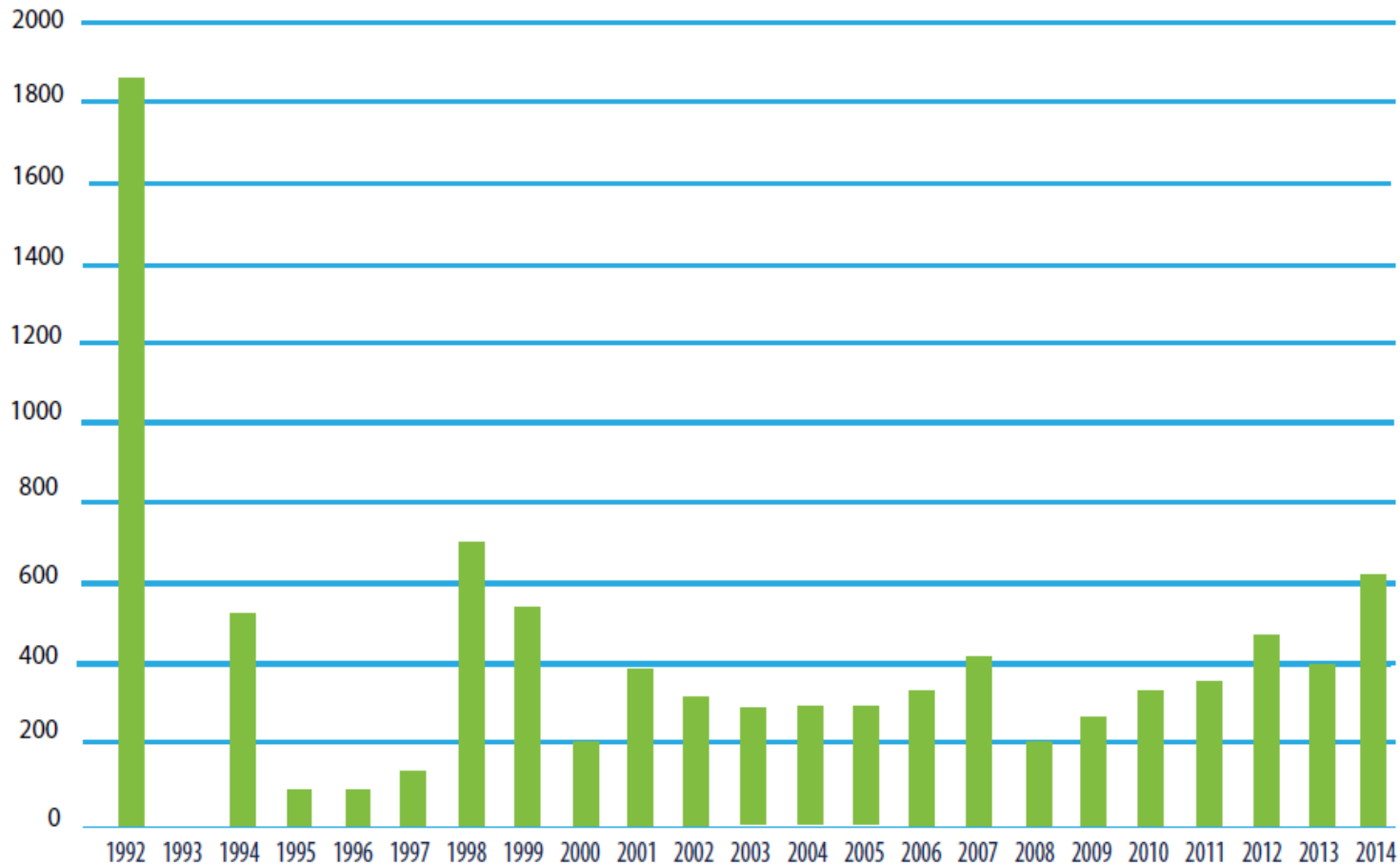
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- No direct effect – act must be implemented in national law
- Surveillance by the EFTA Surveillance Authority
- EFTA Court



Number of acts incorporated per year



Further reading...

Article in EFTA Bulletin July 2015:

From EU law to EEA law: the decision-making process

Georges Baur, Assistant Secretary-General, EFTA Secretariat

<http://www.efta.int/sites/default/files/publications/bulletins/efta-bulletin-2015.pdf>

