

AGREEMENT ON A STANDING COMMITTEE OF THE EFTA STATES^{1}

THE REPUBLIC OF ICELAND,
THE PRINCIPALITY OF LIECHTENSTEIN,
THE KINGDOM OF NORWAY,

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HAVING REGARD to the EEA Agreement;

RECALLING the objective to establish a dynamic and homogeneous European Economic Area;

AIMING at facilitating the elaboration of decisions to be taken by the EEA Council and the EEA Joint Committee;

CONSIDERING that for the purposes of the EEA, functions in respect of decision-making, administration and management, as well as consultations, have to be carried out among the EFTA States;

RECALLING the Convention establishing the European Free Trade Association;

WHEREAS nothing in this Agreement shall prejudice the competences of the surveillance authority referred to in the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;

HAVE DECIDED to conclude the following Agreement:

^{1} The Agreement on a Standing Committee of the EFTA States amended by the Protocol Adjusting the Agreement on a Standing Committee of the EFTA States signed in Brussels on 17 March 1993 ("Adjusting Protocol"), by the Decision No 2/94/SC of the Standing Committee of the EFTA States of 10 January 1994 (OJ No L 85, 30.3.1994, p. 76 and EEA Supplement No 1, 30.3.1994, p. 14) and subsequently by the Agreement Adjusting certain Agreements between the EFTA States signed in Brussels on 29 December 1994 ("Adjusting Agreement").

^{2} Reference to "the Swiss Confederation" deleted by the Protocol Adjusting the Agreement on a Standing Committee of the EFTA States.

^{3} References to "the Republic of Austria, the Republic of Finland and the Kingdom of Sweden" deleted by the Adjusting Agreement.

Article 1

1. A Standing Committee of the EFTA States, hereinafter referred to as the Standing Committee, shall, in accordance with the provisions of this Agreement and of the EEA Agreement, carry out functions in respect of decision-making, administration and management, as well as consultations, among EFTA States.
2. For the purposes of this Agreement:
 - (a) the term 'EEA Agreement' means the main part of the EEA Agreement, its Protocols and Annexes as well as the acts referred to therein;
 - (b) the term "EFTA States" means the Republic of Iceland and the Kingdom of Norway and, under the conditions laid down by Article 1(2) of the Protocol Adjusting the Agreement on a Standing Committee of the EFTA States, the Principality of Liechtenstein. {⁴}

Article 2

The EFTA States shall, when appropriate, consult within the Standing Committee for the purpose of taking decisions in the EEA Council and the EEA Joint Committee.

Article 3

1. The Standing Committee shall, without prejudice to the competences of the EFTA Surveillance Authority set up under the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, carry out the following tasks:
 - (a) take decisions necessary for the management of rules of, or adopted pursuant to, the EEA Agreement, in particular as specified in Article 1 of Protocol 1 to the present Agreement, in the cases which, through the application of Protocol 1 to the EEA Agreement, follow from the acts referred to in the Annexes to that Agreement;
 - (b) take decisions in the cases referred to it under procedures to be established in accordance with Article 3 of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice;
 - (c) receive information which an EFTA State or a competent authority according to the EEA rules is to submit to the Standing Committee or to one or several other EFTA States in addition to the Standing Committee and, in the latter case, pass it on to the EC Commission;
 - (d) receive from the EC Commission information which an EC Member State is to submit to one or several other EC Member States for distribution to the EFTA States or their competent authorities;
 - (e) perform the functions laid down in Protocol 2 to this Agreement, in the cases referred to in Article 43 of the EEA Agreement;
 - (f) in the veterinary field, lay down the necessary procedures on notification of diseases as well as on cooperation between administrative authorities of the EFTA States and on cooperation between these authorities and the EFTA Surveillance Authority and/or the Standing Committee;
 - (g) extend the time period during which an EFTA State may maintain a safeguard measure, or a derogation from a provision of an act, in the cases provided for in Chapter XII, Foodstuffs, and Chapter XVII, Environment protection, of Annex II, Technical regulations, standards, testing and certification, to the EEA Agreement;
 - (h) take decisions in cases where an EFTA State has referred to the Standing Committee a decision of the EFTA Surveillance Authority regarding safeguard measures, in the cases provided for in Chapter XII, Foodstuffs, and XIII, Medicinal products, of Annex II, Technical regulations, standards, testing and certification, to the EEA Agreement;

{⁴} Paragraph replaced by the Adjusting Protocol and subsequently by the Adjusting Agreement.

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- (i) take decisions in cases where an EFTA State has requested it to annul or amend a decision by the EFTA Surveillance Authority, in the cases provided for in Annex V, Free movement of workers, to the EEA Agreement;
 - (j) examine matters relative to capital movements and prepare reports thereon in cases where, according to the acts referred to in Annex XII to the EEA Agreement, the EC Monetary Committee carries out such tasks;
 - (k) settle disputes between the EFTA States, in the cases provided for in Annex XIII to the EEA Agreement.
 2. The Standing Committee shall, unless otherwise agreed with the EC Commission, concurrently with the EC Commission prepare, as appropriate, reports, assessments or the like with regard to the EFTA States, in the cases which are directly related to the functions of the Standing Committee set out in Protocol 1 to this Agreement and which through the application of paragraph 5 of Protocol 1 to the EEA Agreement following from the acts referred to in the Annexes to that Agreement. Likewise, the Standing Committee shall prepare reports referred to in the said paragraph 5 in cases where these reports cover aspects relevant for the improvement of existing legislation or the development of new legislation. The Standing Committee shall consult, and exchange views with, the EC Commission during the preparation of their respective reports, copies of which are to be sent to the EEA Joint Committee. ^{5}
 3. Furthermore, the Standing Committee shall also carry out other tasks assigned to it in the EEA Agreement.

Article 4

1. Each EFTA State shall be represented in the Standing Committee and shall have one vote.
2. The Standing Committee can meet at the level of Ministers or High Officials. Meetings at other levels will be held in such subcommittees and other bodies as set up pursuant to Article 5(1).

Article 5

1. The Standing Committee may decide to set up subcommittees and other bodies to assist it in accomplishing its tasks.
2. The Standing Committee may also, on a proposal from the EFTA Surveillance Authority, set up new committees, or designate already existing committees, to assist the EFTA Surveillance Authority in carrying out its functions under the EEA Agreement as well as under the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

Article 6

1. In exercising its responsibilities under Article 3, the Standing Committee may take decisions, which shall be binding on all EFTA States, and may make recommendations to EFTA States.
2. Decisions and recommendations of the Standing Committee shall be made by unanimous vote, unless otherwise provided for in the Annex to this Agreement. Decisions or recommendations shall be regarded as unanimous unless any EFTA State casts a negative vote. Decisions and recommendations which are to be made by majority vote require the affirmative vote of the majority of the EFTA States.
3. Decisions of the Standing Committee shall be published in accordance with the provisions of the EEA Agreement.

^{5} Paragraph replaced by Decision No 2/94/SC of the Standing Committee of the EFTA States of 10 January 1994 (OJ No L 85, 30.3.1994, p. 76 and EEA Supplement No 1, 30.3.1994, p. 14).

Article 7

The Standing Committee shall adopt its rules of procedure.

Article 8

The Secretariat services for the Standing Committee shall be provided by the EFTA Secretariat.

Article 9

The Standing Committee may seek the advice of a committee consisting of the members of Parliament of the EFTA States who are members of the EEA Joint Parliamentary Committee and the advice of the EFTA Consultative Committee.

Each of these Committees may furthermore express its views to the Standing Committee on any matter of relevance for the functioning and development of the EEA.

Article 10

The Protocols and the Annex to this Agreement shall form an integral part thereof.

Article 11

An amendment to this Agreement shall be submitted to the EFTA States for acceptance if it is approved by decision of the Standing Committee and it shall enter into force provided it is accepted by all EFTA States.

Instruments of acceptance shall be deposited with the Government of Sweden which shall notify all other EFTA States.

Article 12

1. Any EFTA State which withdraws from the EEA Agreement shall ipso facto cease to be a Party to the present Agreement on the same day as that withdrawal takes effect.
2. Any EFTA State which accedes to the European Community shall ipso facto cease to be a Party to the present Agreement on the same day as that accession takes effect.
3. The Governments of the remaining EFTA States shall, by common accord, decide on the necessary amendments to be made to the present Agreement.

Article 13

Any EFTA State acceding to the EEA Agreement shall accede to the present Agreement on such terms and conditions as may be laid down by common accord by the EFTA States. The instrument of accession shall be deposited with the Government of Sweden which shall notify the other EFTA States.

Article 14

1. This Agreement, drawn up in a single copy and authentic in the English language, shall be ratified by the Contracting Parties in accordance with their respective constitutional requirements.

Before the entry into force of this Agreement, it shall also be drawn up and authenticated in Finnish, French, German, Icelandic, Italian, Norwegian and Swedish.
2. This Agreement shall be deposited with the Government of Sweden which shall transmit a certified copy to each EFTA State.

The instruments of ratification shall be deposited with the Government of Sweden which shall notify all other EFTA States.
3. This Agreement shall enter into force on the date and under the conditions provided for in the Protocol Adjusting the Agreement on a Standing Committee of the EFTA States. {⁶}

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed the present Agreement.

DONE at Oporto, this 2nd day of May 1992, in a single authentic copy in the English language which shall be deposited with the Government of Sweden. The Depositary shall transmit certified copies to all Signatory States and States acceding to this Agreement.

{⁶} Paragraph replaced by the Adjusting Protocol.

