

COUNCIL OF THE EUROPEAN UNION
EUROPEAN COMMISSION



PROTOCOL ADJUSTING
THE AGREEMENT
ON THE EUROPEAN ECONOMIC AREA

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INTRODUCTORY NOTE

This publication reproduces the text of the Protocol adjusting the Agreement on the European Economic Area, signed in Brussels on 17 March 1993. It reflects the changes made to the Agreement following its non-ratification by Switzerland.

It is the result of a combined effort on the part of the General Secretariat of the Council and of the Commission. The text has been produced for documentary purposes and does not involve the responsibility of the institutions.

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**PROTOCOL ADJUSTING
THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA**

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

AND

THE REPUBLIC OF AUSTRIA,
THE REPUBLIC OF FINLAND,
THE REPUBLIC OF ICELAND,
THE PRINCIPALITY OF LIECHTENSTEIN,
THE KINGDOM OF NORWAY,
THE KINGDOM OF SWEDEN,

hereinafter referred to as the CONTRACTING PARTIES;

WHEREAS the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement, was signed in Oporto on 2 May 1992;

WHEREAS Article 129(2) of the EEA Agreement provides that it shall be ratified or approved by the Contracting Parties in accordance with their respective constitutional requirements;

WHEREAS it has become clear that one of the Signatories to the EEA Agreement, the Swiss Confederation, is not in a position to ratify the EEA Agreement;

WHEREAS the other Signatories to the EEA Agreement, remaining fully attached to its objectives, are determined to enact the EEA Agreement as soon as possible;

WHEREAS a new date for the entry into force of the EEA Agreement has to be laid down;

WHEREAS special provisions are required for the entry into force of the EEA Agreement as regards the Principality of Liechtenstein;

WHEREAS a number of adjustments to the EEA Agreement are necessary as a consequence of the non-ratification by Switzerland;

WHEREAS it is desirable to include among such adjustments a provision reflecting the wish of the Contracting Parties to enable Switzerland to participate in the EEA in the future;

HAVE DECIDED to conclude the following Protocol:

Article 1

1. The EEA Agreement, as adjusted by this Protocol, shall enter into force, on the date of entry into force of this Protocol, between the European Economic Community, the European Coal and Steel Community, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden.

2. As regards the Principality of Liechtenstein, the EEA Agreement, as adjusted by this Protocol, shall enter into force on a date to be determined by the EEA Council and provided that the EEA Council:

- has decided that the condition of Article 121(b) of the EEA Agreement, namely that the good functioning of the EEA Agreement is not impaired, is fulfilled; and
- has taken the appropriate decisions, in particular as to the application to Liechtenstein of the measures already adopted by the EEA Council and the EEA Joint Committee.

3. Liechtenstein shall be allowed to participate in those decisions of the EEA Council referred to in paragraph 2 above.

Article 2

1. Since the Swiss Confederation, following its non-ratification of the EEA Agreement, is not a Contracting Party thereto, the reference in the preamble to the EEA Agreement to "THE SWISS CONFEDERATION" as one of the Contracting Parties shall be deleted.

2. Article 2 (b) of the EEA Agreement shall be replaced by the following:

"the term 'EFTA States' means the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, under the conditions laid down in Article 1(2) of the Protocol Adjusting the Agreement on the European Economic Area, the Principality of Liechtenstein;"

3. The EEA Agreement shall be adjusted further in accordance with Articles 3 to 20 of this Protocol.

Article 3

In Article 120 the words "Protocols 41, 43 and 44" shall be replaced by the words "Protocols 41 and 43".

Article 4

In Article 126(1) the words "the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation" shall be replaced by the words "the Kingdom of Norway and the Kingdom of Sweden".

Article 5

Article 128(1) shall be replaced by the following:

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

Article 6

Article 129(3) shall be replaced by the following:

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

Article 7

In paragraph 11 of Protocol 1 on horizontal adaptations the words "Article 129(3)" shall be replaced by the words "the date of entry into force".

Article 8

In Protocol 4 on rules of origin, the words "Switzerland" and "Swiss" shall be replaced, respectively, by the words "Sweden" and "Swedish" in Appendix V, footnote 2, and in Appendix VI, footnote 3.

Article 9

In Protocol 5 on customs duties of a fiscal nature (Liechtenstein, Switzerland):

- the word "Switzerland" shall be deleted in the heading;
- the words "and Switzerland" and "or Switzerland" shall be deleted in paragraphs 1 and 2.

Article 10

Protocol 6 on the building up of compulsory reserves by Switzerland and Liechtenstein shall be replaced by the following:

**"PROTOCOL 6
ON THE BUILDING UP OF COMPULSORY RESERVES BY LIECHTENSTEIN**

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

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

Article 11

In Protocol 8 on state monopolies the words "Swiss and" shall be deleted.

Article 12

In Protocol 9 on trade in fish and other marine products:

- the words "and Switzerland" shall be deleted in Appendix 1, Article 2, paragraphs 1 and 2 and the word "their" shall be replaced by "its" in the said paragraph 2;
- the words "-Agreement between the European Economic Community and the Swiss Confederation, signed on 22 July 1972, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;" shall be deleted in Appendix 3.

Article 13

In Protocol 15 on transitional periods on the free movement of persons (Switzerland and Liechtenstein):

- the words "Switzerland and" shall be deleted in the title, Article 8(1) and (2) and Article 11;
- the word ", respectively" shall be deleted in Article 8(2) and Article 11;
- Articles 2 to 4 and Article 9(1) shall be deleted.

Article 14

In Protocol 16 on measures in the field of social security related to transitional periods on the free movement of persons (Switzerland and Liechtenstein):

- the words "Switzerland and" shall be deleted in the title, Articles 1, 2 and 3, first sentence and paragraph (a);
- the words "Swiss and" shall be deleted in Articles 2 and 3(a);
- the word ", respectively" shall be deleted in Articles 1, 2 and 3, first sentence and paragraph (a);
- the words "500 as regards Switzerland or" and the words "as regards Liechtenstein" shall be deleted in Article 3(c);
- Article 4 shall be deleted.

Article 15

The following provisions of the EEA Agreement:

- Articles 81(a), (b), (d), (e) and (f);
- Article 82;
- Protocol 30, paragraph 2, first and second subparagraphs;
- Protocol 31, Article 1(1)(a), (b) and (c), Article 4(1), (3) and (4), Article 5(3), first and second subparagraphs, and
- Protocol 32

shall enter into force on 1 January 1994.

Article 16

In Protocol 38 on the Financial Mechanism:

- the word "three" shall be replaced by "two" in Article 2 (2);
- Article 2 (5) shall be replaced by the following :

"5. The total volume of loans, which shall be eligible for the interest rebates provided for in Article 1 shall be ECU 1 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force."
- Article 3 (1) shall be replaced by the following :

"1. The total amount of grants provided for in Article 1 shall be ECU 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force."

Article 17

In Protocol 41 on existing agreements the following shall be deleted:

"29.4.1963/3.12.1976 International Commission for the Protection of the Rhine against Pollution. Mixed agreement between the Swiss Confederation and the European Economic Community, the Federal Republic of Germany, France, Luxembourg and the Netherlands.

3.12.1976 Protection of the Rhine against Chemical Pollution. Mixed agreement between the Swiss Confederation and the European Economic Community, the Federal Republic of Germany, France, Luxembourg and the Netherlands."

Article 18

Protocol 44 on the Agreement between the EC and the Swiss Confederation on the carriage of goods by road and rail shall be deleted.

Article 19

In the Appendix to Protocol 47 on the abolition of technical barriers to trade in wine:

15. 387 R 0822: Council Regulation (EEC) N° 822/87:

- adaptation (b)

the provision shall be deleted;

- adaptations (d), (f), (m) and (n)

the words ", Switzerland" and "and Switzerland" shall be deleted;

- adaptation (k), paragraph (b)

the words "Switzerland or" shall be deleted.

22. 389 R 2392: Council Regulation (EEC) N° 2392/89:

- adaptation (a)

the word", Switzerland" shall be deleted;

- adaptation (c)

the words "producer States concerned have" shall be replaced by the words "the producer State has".

26. 390 R 3201: Commission Regulation (EEC) N° 3201/90:

- adaptations (c), (d) and (f)

the provisions shall be deleted.

Article 20

Annexes I to IX, XII, XIII, XVI and XVIII to XXII to the EEA Agreement shall be adjusted as specified in the Annex to this Protocol.

Article 21

The provisions, references, specific adaptations, periods and dates concerning Liechtenstein in the EEA Agreement, as adjusted by this Protocol, shall only apply once the EEA Agreement, as adjusted by this Protocol, has entered into force with regard to Liechtenstein in accordance with Article 1(2) of this Protocol.

Article 22

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

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

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

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

3. This Protocol shall enter into force on 1 July 1993, provided that all the Contracting Parties referred to in Article 1(1) have deposited their instruments of ratification or approval of the EEA Agreement and of this Protocol before that date. After that date, this Protocol shall enter into force on the first day of the month following the last deposit. If, however, such deposit is made less than fifteen days before the beginning of the following month, this Protocol shall not enter into force until the first day of the second month after the date of such deposit.

4. As regards Liechtenstein, this Protocol shall enter into force following the deposit of its instruments of ratification of the EEA Agreement and this Protocol, on the date determined by the EEA Council under the conditions laid down in Article 1(2).

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorised thereto, have signed this Protocol.

DONE at Brussels, this seventeenth day of March in the year one thousand nine hundred and ninety-three.

ANNEX

PROVIDED FOR IN ARTICLE 20 OF THE PROTOCOL ADJUSTING THE AGREEMENT ON THE EUROPEAN ECONOMIC AREA

Annexes I to IX, XII, XIII, XVI and XVIII to XXII to the EEA Agreement shall be adjusted as specified below.

I ANNEX I, VETERINARY AND PHYTOSANITARY MATTERS

A. Sectoral adaptation

The provision regarding Switzerland and Liechtenstein under the heading 'SECTORAL ADAPTATION' as well as the heading itself shall be deleted.

B. Chapter I, Veterinary issues

- Introductory part to the Chapter

- paragraph 3

the words 'as from nine months after the entry into force of the Agreement and at the latest from 1 January 1994' shall be replaced by 'as from 1 January 1994 or from six months after the entry into force of the Agreement, whichever date is the later'.

The dates regarding the EFTA States referred to in the specific adaptations established in relation to the acts referred to in the Chapter shall be replaced in accordance with the following:

the dates '1 January 1993' and '31 December 1992' shall be replaced by 'the date of entry into force of the Agreement' and 'the day before the date of entry into force of the Agreement', respectively;

- the date '1 April 1993' shall be replaced by 'the first day of the second month following the entry into force of the Agreement';
- the date '1 July 1993' shall be replaced by 'the first day of the fourth month following the entry into force of the Agreement';
- the date '1 September 1993' shall be replaced by 'the date provided for in paragraph 3 of the introductory part of Chapter I, Veterinary issues, of Annex I to the Agreement'.

1. **364 L 0432: Council Directive 64/432/EEC:**

- adaptation (a)

'Switzerland: Kanton/canton/cantone' shall be deleted;

- adaptations (d), (e) and (g)

'Switzerland/' shall be deleted;

- adaptation (f)

the words 'Switzerland/' and '/Vétérinaire de contrôle/Veterinario di controllo' shall be deleted.

3. **390 L 0426: Council Directive 90/426/EEC:**

- adaptation (b)

the words 'Switzerland/' and '/Vétérinaire de contrôle/Veterinario di controllo' shall be deleted.

4. **390 L 0539: Council Directive 90/539/EEC:**

- adaptation (b)

the words 'CH or' and 'Switzerland/' shall be deleted;

- adaptation (g)

'Switzerland/' shall be deleted.

12. **385 L 0511: Council Directive 85/511/EEC:**

- adaptation (a)

'Switzerland/' shall be deleted; and

the words 'Eidgenössisches Institut für Viruskrankheiten und Immunprophylaxe, Mittelhäusern' shall be replaced by '-';

- adaptation (b)

'Switzerland/' shall be deleted.

14. **380 L 0217: Council Directive 80/217/EEC:**

- adaptation (a)

'Switzerland/' shall be deleted.

18. **364 L 0433: Council Directive 64/433/EEC:**

- adaptation (j)

'CH-' shall be deleted.

20. **371 L 0118: Council Directive 71/118/EEC and**

21. **377 L 0099: Council Directive 77/99/EEC:**

- adaptation (c)

'CH-' and 'CH/' shall be deleted.

23. **389 L 0437: Council Directive 89/437/EEC:**

- adaptation (f)

'CH/' shall be deleted.

34. **391 L 0495: Council Directive 91/495/EEC:**

- adaptation (e)

'CH,' shall be deleted.

66. **389 D 0610: Commission Decision 89/610/EEC:**

- adaptation

'Switzerland/' shall be deleted.

C. **Chapter II, Feedingstuffs**

- Introduction, paragraph 1

the words 'Switzerland and' shall be deleted.

- The date '1 January 1993', as referred to with regard to the EFTA States in the specific adaptations established in relation to the acts referred to in the Chapter, shall be replaced by 'the date of entry into force of the Agreement'.

3. **377 L 0101: Council Directive 77/101/EEC and**

4. **379 L 0373: Council Directive 79/373/EEC:**

- derogation, second indent

the words 'Switzerland and' shall be deleted; and

the word 'their' shall be replaced by the word 'its'.

II ANNEX II, TECHNICAL REGULATIONS, STANDARDS, TESTING AND CERTIFICATION

A. Chapter I, Motor Vehicles

1. 370 L 0156: Council Directive 70/156/EEC:

- adaptation

the words "'Typengenehmigung'/'approbation du type'/'approvazione del tipo' in Swiss law'" shall be deleted.

2. 370 L 0157: Council Directive 70/157/EEC:

- adaptations (a) and (b)

'CH = Switzerland,' shall be deleted.

8. 370 L 0388: Council Directive 70/388/EEC,

9. 371 L 0127: Council Directive 71/127/EEC,

17. 374 L 0483: Council Directive 74/483/EEC,

19. 376 L 0114: Council Directive 76/114/EEC,

22. 376 L 0757: Council Directive 76/757/EEC,

23. 376 L 0758: Council Directive 76/758/EEC,

24. 376 L 0759: Council Directive 76/759/EEC,

25. 376 L 0760: Council Directive 76/760/EEC,

26. 376 L 0761: Council Directive 76/761/EEC,

27. 376 L 0762: Council Directive 76/762/EEC,

29. 377 L 0538: Council Directive 77/538/EEC,

30. 377 L 0539: Council Directive 77/539/EEC,

31. 377 L 0540: Council Directive 77/540/EEC,

32. 377 L 0541: Council Directive 77/541/EEC and

39. 378 L 0932: Council Directive 78/932/EEC:

- adaptation

the words 'and 14 for Switzerland' and '14 for Switzerland' shall be deleted.

40. 378 L 1015: Council Directive 78/1015/EEC:

- adaptation (a)

the words "'Typengenehmigung'/'approbation du type'/'approvazione del tipo' in Swiss law'" shall be deleted;

- adaptation (b)

the words '14 for Switzerland' shall be deleted.

41. 380 L 0780: Council Directive 80/780/EEC:

- adaptation

the words "'Typengenehmigung'/'approbation du type'/'approvazione del tipo' in Swiss law'" shall be deleted.

44. 388 L 0077: Council Directive 88/77/EEC:

- adaptation

the words '14 for Switzerland' shall be deleted.

B. Chapter II, Agricultural and forestry tractors

1. 374 L 0150: Council Directive 74/150/EEC:

- adaptation

the words "'Typengenehmigung'/'approbation du type'/'approvazione del tipo' in Swiss law'" shall be deleted.

11. 377 L 0536: Council Directive 77/536/EEC,

13. 378 L 0764: Council Directive 78/764/EEC,

17. 379 L 0622: Council Directive 79/622/EEC,

20. 386 L 0298: Council Directive 86/298/EEC,

22. 387 L 0402: Council Directive 87/402/EEC and

23. 389 L 0173: Council Directive 89/173/EEC:

- adaptations

the words '14 for Switzerland' shall be deleted.

C. Chapter III, Lifting and mechanical handling appliances

2. **384 L 0528:** Council Directive 84/528/EEC:

- adaptation

the words 'CH for Switzerland,' shall be deleted.

D. Chapter VI, Construction plant and equipment

8. **386 L 0295:** Council Directive 86/295/EEC and

9. **386 L 0296:** Council Directive 86/296/EEC:

- adaptation:

the words 'CH for Switzerland,' shall be deleted.

E. Chapter VIII, Pressure vessels

2. **376 L 0767:** Council Directive 76/767/EEC:

- adaptation

the words 'CH for Switzerland,' shall be deleted.

F. Chapter IX, Measuring instruments

1. **371 L 0316:** Council Directive 71/316/EEC:

- adaptation (a)

the words 'CH for Switzerland,' shall be deleted;

- adaptation (b)

'CH,' shall be deleted.

6. **371 L 0348:** Council Directive 71/348/EEC:

- adaptation

the words "'1 Rappen/1 centime/1 centesimo" (Switzerland)' shall be deleted.

12. **375 L 0106:** Council Directive 75/106/EEC:

- adaptation (a)

the words 'Switzerland and' shall be deleted.

G. Chapter XIV, Fertilizers

1. **376 L 0116:** Council Directive 76/116/EEC:

- adaptations (a) and (b)
' , Switzerland' shall be deleted.

H. Chapter XIX, General provisions in the field of technical barriers to trade

1. **383 L 0189:** Council Directive 83/189/EEC:

- adaptation (g)
'SNV (Switzerland)' and 'SEK (Switzerland)', including the addresses, shall be deleted.

I. Chapter XXVII, Spirit drinks

1. **389 R 1576:** Council Regulation (EEC) No 1576/89:

- adaptation (h)

6. Grape marc spirit

the following shall be deleted:

- '- Baselbieter Marc'
- '- Grappa del Ticino/Grappa Ticinese'
- '- Grappa della Val Calanca'
- '- Grappa della Val Bregaglia'
- '- Grappa della Val Mesolcina'
- '- Grappa della Valle di Poschiavo'
- '- Marc d'Auvernier'
- '- Marc de Dôle du Valais';

7. Fruit spirit

the following shall be deleted:

- '- Aargauer Bure Kirsch'
- '- Abricotine du Valais/Walliser Aprikosenwasser'
- '- Baselbieterkirsch'
- '- Baselbieter Zwetschgenwasser'
- '- Bernbieter Birnenbrand'
- '- Bernbieter Kirsch'
- '- Bernbieter Mirabellen'
- '- Bernbieter Zwetschgenwasser'
- '- Bérudges de Cornaux'
- '- Emmentaler Kirsch'
- '- Freiämter Theilersbirnenbranntwein'
- '- Freiämter Zwetschgenwasser'
- '- Fricktaler Kirsch'
- '- Kirsch de la Béroche'
- '- Luzerner Birnenträsch'
- '- Luzerner Kirsch'
- '- Luzerner Theilersbirnenbranntwein'
- '- Luzerner Zwetschgenwasser'
- '- Mirabelle du Valais'
- '- Rigi Kirsch'
- '- Seeländer Pflümliwasser'
- '- Urschwyzerkirsch'
- '- William du Valais/ Walliser Williams'
- '- Zuger Kirsch';

9. Gentian spirit

the following shall be deleted:

- '9. Gentian spirit
- Gentiane du Jura';

11. Juniper flavoured spirit drinks

the following shall be deleted:

- '11. Juniper flavoured spirit drinks
- Genièvre du Jura';

14. Liqueur

the following shall be deleted:

- '- Bernbieter Griottes Liqueur'
- '- Bernbieter Kirschen Liqueur'
- '- Genépi du Valais';

15. Spirit drinks

the following shall be deleted:

- '- Bernbieter Cherry Brandy Liqueur'
- '- Bernbieter Kräuterbitter'
- '- Eau-de-vie d'herbes du Jura'
- '- Gotthard Kräuterbranntwein'
- '- Luzerner Chrüter (Kräuterbranntwein)'
- '- Vieille lie du Mandement'
- '- Walliser Chrüter (Kräuterbranntwein)'.

III ANNEX III, PRODUCT LIABILITY

385 L 0374: Council Directive 85/374/EEC:

- adaptation (a)(iii) shall be deleted;
- adaptation (b)

the words 'Switzerland and' shall be deleted; and

the word 'their' shall be replaced by the word 'its'.

IV ANNEX IV, ENERGY

Appendices 1 and 2

'Switzerland', including its entries under Entity and Grid, shall be deleted.

V ANNEX V, FREE MOVEMENT OF WORKERS

A. Sectoral adaptations

The words 'and Switzerland' shall be deleted.

B. 3. **368 L 0360: Council Directive 68/360/EEC:**

- adaptation (e)(ii)

'Swiss,' shall be deleted.

VI ANNEX VI, SOCIAL SECURITY

A. Sectoral adaptations

- paragraph I

'and Switzerland' shall be deleted.

B. 1. **Council Regulation (EEC) No 1408/71:**

- adaptation (b)

the provision shall be deleted;

- adaptations (g), (h), (i), (j), (m) and (n)

the entry 'S. SWITZERLAND', including the provision, shall be deleted;

- adaptations (k) and (l)

the headings and provisions of the following entries shall be deleted:

84, 101, 117, 132, 146, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171;

- adaptation (o)

the entry '16.', including the provision, shall be deleted.

2. Council Regulation (EEC) No 574/72:

- adaptations (a), (b), (c), (d), (e), (f), (g), (h) and (k)

the entry 'S. SWITZERLAND', including the provision, shall be deleted.

20. 383 Y O117: Decision No 117 and

21. 383 Y 1112(02): Decision No 118:

- adaptation

the entry 'Switzerland', including the provision, shall be deleted.

34. C/281/88/p.7: Decision No 135:

- adaptation

the entry '(s)', including the provision, shall be deleted.

35. C/64/88/p.7: Decision No 136:

- adaptation

the entry 'S. Switzerland', including the provision, shall be deleted.

C. MODALITIES FOR THE PARTICIPATION OF EFTA STATES IN THE ADMINISTRATIVE COMMISSION ON SOCIAL SECURITY FOR MIGRANT WORKERS AND IN THE AUDIT BOARD ATTACHED TO THIS COMMISSION IN ACCORDANCE WITH ARTICLE 101(1) OF THE AGREEMENT

The words 'and Switzerland' shall be deleted.

VII ANNEX VII, MUTUAL RECOGNITION OF PROFESSIONAL QUALIFICATIONS

A. Sectoral adaptations

The words 'and Switzerland' shall be deleted.

B. Chapter A, General system

1. 389 L 0048: Council Directive 89/48/EEC:

- the derogation for Switzerland shall be deleted.

C. Chapter B, Legal professions

2. 377 L 0249: Council Directive 77/249/EEC:

- adaptation

the entry '*in Switzerland:*', including the provision, shall be deleted.

D. Chapter C, Medical and para-medical activities

4. 375 L 0362: Council Directive 75/362/EEC:

- the derogation for Switzerland shall be deleted;

- adaptation (a)

the entry '*(s) in Switzerland:*', including the provision, shall be deleted;

- adaptation (b)

the entry '*in Switzerland:*', including the provision, shall be deleted;

- adaptation (c)

the entries '*Switzerland:*', including the provisions, shall be deleted;

- adaptation (d)

the heading '*- tropical medicine:*' and the entries '*Switzerland:*', including the provisions, shall be deleted.

5. **375 L 0363: Council Directive 75/363/EEC:**
 - the derogation for Switzerland shall be deleted.
6. **386 L 0457: Council Directive 86/457/EEC:**
 - the derogation for Switzerland shall be deleted.
8. **377 L 0452: Council Directive 77/452/EEC:**
 - the derogation for Switzerland shall be deleted;
 - adaptation (a)
the entry '*in Switzerland:*', including the provision, shall be deleted;
 - adaptation (b)
the entry '*(s) in Switzerland:*', including the provision, shall be deleted.
9. **377 L 0453: Council Directive 77/453/EEC:**
 - the derogation for Switzerland shall be deleted.
10. **378 L 0686: Council Directive 78/686/EEC:**
 - the derogation for Switzerland shall be deleted;
 - adaptation (a)
the entry '*in Switzerland:*', including the provision, shall be deleted;
 - adaptation (b)
the entry '*(s) in Switzerland:*', including the provision, shall be deleted;
 - adaptation (c) 1.
the entry '*- in Switzerland:*' including the provision, shall be deleted.
11. **378 L 0687: Council Directive 78/687/EEC:**
 - the derogation for Switzerland shall be deleted.

12. **378 L 1026:** Council Directive 78/1026/EEC:

- adaptation

the entry '*s in Switzerland:*', including the provision, shall be deleted.

14. **380 L 0154:** Council Directive 80/154/EEC:

- the derogation for Switzerland shall be deleted:

- adaptation (a)

the entry '*in Switzerland:*', including the provision, shall be deleted:

- adaptation (b)

the entry '*s in Switzerland:*', including the provision, shall be deleted.

15. **380 L 0155:** Council Directive 80/155/EEC:

- the derogation for Switzerland shall be deleted.

17. **385 L 0433:** Council Directive 85/433/EEC:

- adaptation (a)

the entry '*s in Switzerland:*', including the provision, shall be deleted.

E. Chapter D, Architecture

18. **385 L 0384:** Council Directive 85/384/EEC:

- adaptation (a)

the entry '*(r) in Switzerland:*', including the provision, shall be deleted.

F. Chapter E, Commerce and intermediaries

22. **364 L 0224**: Council Directive 64/224/EEC:

- adaptation

the entry '*In Switzerland*:', including the provision, shall be deleted.

28. **374 L 0557**: Council Directive 74/557/EEC:

- adaptation

the entry '*- in Switzerland*:', including the provision, shall be deleted.

G. Chapter G, Services incidental to transport

38. **382 L 0470**: Council Directive 82/470/EEC:

- adaptation

the entry '*Switzerland*:', including the provision, shall be deleted.

H. Chapter I, Other sectors

43. **367 L 0043**: Council Directive 67/43/EEC:

- adaptation

the entry '*in Switzerland*:', including the provision, shall be deleted.

VIII ANNEX VIII, RIGHT OF ESTABLISHMENT

Sectoral adaptations

The words '*and Switzerland*' shall be deleted.

IX ANNEX IX, FINANCIAL SERVICES

A. Chapter I, Insurance

2. 373 L 0239: First Council Directive 73/239/EEC:

- adaptation (a)

the entry '(g) In Switzerland', including the provision, shall be deleted;

- adaptation (b)

the entry '- in the case of Switzerland:', including the provision, shall be deleted.

11. 379 L 0267: First Council Directive 79/267/EEC:

- adaptation (b)

the entry '- in the case of Switzerland:', including the provision, shall be deleted.

13. 377 L 0092: Council Directive 77/92/EEC:

- adaptations (a) and (b)

the entry 'in Switzerland:', including the provision, shall be deleted.

B. Chapter II, Banks and other credit institutions

21. 386 L 0635: Council Directive 86/635/EEC:

- adaptation

the words 'and Switzerland' shall be deleted.

C. Chapter III, Stock exchange and securities

24. 379 L 0279: Council Directive 79/279/EEC:

- adaptation

the words 'and Switzerland' shall be deleted; and

the words 'these countries' shall be replaced by 'this country'.

25. **380 L 0390**: Council Directive 80/390/EEC:
- adaptation (b)
the words 'and Switzerland' shall be deleted; and
the words 'these countries' shall be replaced by 'this country'.
26. **382 L 0121**: Council Directive 82/121/EEC:
- adaptation
the words 'and Switzerland' shall be deleted; and
the words 'these countries' shall be replaced by 'this country'.
27. **388 L 0627**: Council Directive 88/627/EEC:
- adaptation
, Switzerland' shall be deleted.
28. **389 L 0298**: Council Directive 89/298/EEC:
- adaptation (b)
, Switzerland' shall be deleted.
29. **389 L 0592**: Council Directive 89/592/EEC:
- adaptation (a)
, Switzerland' shall be deleted.

X ANNEX XII, FREE MOVEMENT OF CAPITAL

1. **388 L 0361**: Council Directive 88/361/EEC:

- adaptation (d)

the fourth indent shall be deleted;

fifth indent

the words 'and Switzerland' shall be deleted.

XI ANNEX XIII, TRANSPORT

A. Sectoral adaptations

- paragraph II

the fifth indent shall be deleted.

B. Chapter I, Inland transport

1. **370 R 1108**: Council Regulation (EEC) No 1108/70:

- adaptation:

additions A.2 RAIL and B. ROAD

the entries '*Switzerland*', including the provisions, shall be deleted.

12. **389 R 4060**: Council Regulation (EEC) No 4060/89:

- adaptation (b) shall be deleted.

13. **375 L 0130**: Council Directive 75/130/EEC:

- the last sentence of the adaptation shall be deleted.

C. Chapter II, Road transport

14. **385 L 0003**: Council Directive 85/3/EEC:

- the second paragraph of the adaptation shall be deleted;

- adaptation, third paragraph

the words 'and Switzerland' shall be deleted.

16. **377 L 0143:** Council Directive 77/143/EEC:
- the adaptation and the immediately preceding sentence shall be deleted.
20. **385 R 3820:** Council Regulation (EEC) No 3820/85
and
21. **385 R 3821:** Council Regulation (EEC) No 3821/85:
- adaptation (b) shall be deleted.
22. **376 L 0914:** Council Directive 76/914/EEC:
- the adaptation and the immediately preceding sentence shall be deleted.
23. **388 L 0599:** Council Directive 88/599/EEC:
- adaptation
the words 'and Switzerland' shall be deleted.
25. **362 L 2005:** First Council Directive:
- adaptation (b)
the words 'and Switzerland' shall be deleted.
26. **376 R 3164:** Council Regulation (EEC) No 3164/76:
- adaptation (b)
the words 'and Switzerland' shall be deleted.
28. **374 L 0561:** Council Directive 74/561/EEC:
- the adaptation and the immediately preceding sentence shall be deleted.
34. **372 R 1172:** Commission Regulation (EEC) No 1172/72:
- adaptation
'Switzerland (CH),' shall be deleted.

D. Chapter IV, Transport by inland waterway

46. **387 L 0540:** Council Directive 87/540/EEC:

- adaptation

the following shall be deleted:

'Switzerland shall implement the Directive at the latest on 1 January 1995.'

47. **382 L 0714:** Council Directive 82/714/EEC:

- adaptation

CHAPTER II
Zone 3

the entry '*Switzerland*', including the provision, shall be deleted.

E. Chapter VI, Civil Aviation

62. **390 R 2343:** Council Regulation (EEC) No 2343/90:

- adaptation

the entry 'SWITZERLAND:', including the provision, shall be deleted.

XII ANNEX XVI, PROCUREMENT

1. **371 L 0304:** Council Directive 71/304/EEC:

- adaptation (b)

the second subparagraph shall be deleted;

third subparagraph

the words 'these transition periods' shall be replaced by the words 'this transition period' and the words 'these States' shall be replaced by 'Liechtenstein'.

2. **371 L 0305: Council Directive 71/305/EEC:**

- adaptation (a)

the second subparagraph shall be deleted;

third subparagraph

the words 'these transition periods' shall be replaced by the words 'this transition period' and the words 'these States' shall be replaced by 'Liechtenstein';

- adaptation (c)

the words 'and Switzerland' shall be deleted;

the third indent shall be deleted;

- adaptation (e)

the entry 'in Switzerland,' including the provision, shall be deleted.

3. **377 L 0062: Council Directive 77/62/EEC:**

- adaptation (a)

the second subparagraph shall be deleted;

third subparagraph

the words 'these transition periods' shall be replaced by the words 'this transition period' and the words 'these States' shall be replaced by 'Liechtenstein';

- adaptation (c)

the words 'and Switzerland' shall be deleted;

the third indent shall be deleted;

- adaptation (h)

the entry 'in Switzerland,' including the provision, shall be deleted.

4. **390 L 0531: Council Directive 90/531/EEC:**

- adaptation (a)

the second subparagraph shall be deleted;

third subparagraph

the words 'these transition periods' shall be replaced by the words 'this transition period' and the words 'these States' shall be replaced by 'Liechtenstein';

- adaptation (e)

the words 'and Switzerland' shall be deleted;

the third indent shall be deleted.

5. **389 L 0665: Council Directive 89/665/EEC and**

6. **371 R 1182: Regulation (EEC/Euratom) No 1182 of 3 June 1971:**

- adaptation (a)

the second subparagraph shall be deleted;

third subparagraph

the words 'these transition periods' shall be replaced by the words 'this transition period' and the words 'these States' shall be replaced by 'Liechtenstein'.

Appendices 1 and 3:

- the entry 'VII. In SWITZERLAND:', including the provision, shall be deleted.

Appendices 2 and 4 to 13:

- the entry 'SWITZERLAND', including the provision, shall be deleted.

XIII ANNEX XVIII, HEALTH AND SAFETY AT WORK, LABOUR LAW AND EQUAL TREATMENT FOR MEN AND WOMEN

18. **376 L 0207**: Council Directive 76/207/EEC:

- adaptation

the words 'Switzerland and' shall be deleted;and

the word 'them' shall be replaced by 'it'.

24. **380 L 0987**: Council Directive 80/987/EEC:

- adaptation (b)

the entry 'F. SWITZERLAND', including the provision, shall be deleted.

XIV ANNEX XIX, CONSUMER PROTECTION

Sectoral adaptations

The words 'and Switzerland' shall be deleted.

XV ANNEX XX ENVIRONMENT

A. Sectoral adaptation

The words 'and Switzerland' shall be deleted.

B. Chapter III, Air

19. **388 L 0609**: Council Directive 88/609/EEC:

- adaptations (b) and (c)

the entry 'Switzerland:', including the provision, shall be deleted.

C. Chapter V, Waste

31. **384 L 0631**: Council Directive 84/631/EEC:

- adaptation (b)

the words 'and CH for Switzerland' shall be deleted.

XVI ANNEX XXI, STATISTICS

A. Sectoral adaptations

- paragraph I
the words 'and Switzerland' shall be deleted.

B. Industrial statistics

1. **364 L 0475:** Council Directive 64/475/EEC:

- adaptation (b)
the provision shall be deleted;
- adaptations (d) and (e)
the words 'and Switzerland' shall be deleted.

2. **372 L 0211:** Council Directive 72/211/EEC:

- adaptation (c)
the provision shall be deleted.

3. **372 L 0221:** Council Directive 72/221/EEC:

- adaptation (b)
the provision shall be deleted.
- adaptation (d)
the words 'and Switzerland' shall be deleted;
- adaptation (e)
the words 'Switzerland and Liechtenstein are' shall be replaced by the words 'Liechtenstein is'.

4. **378 L 0166:** Council Directive 78/166/EEC:

- adaptation (e)
the words 'and Switzerland' shall be deleted.

C. Transport statistics

5. **378 L 0546**: Council Directive 78/546/EEC:

- adaptation (a)
the provision shall be deleted;
- adaptation (b)
the words 'Switzerland and' and 'Schweiz/Suisse/Svizzera and' shall be deleted;
- adaptation (c)
the words 'Switzerland and' shall be deleted in the second group of countries;
and
'Switzerland' shall be inserted before 'Bulgaria' in the third group of countries;
- adaptation (g)
the words 'and Switzerland' shall be deleted;
- adaptation (h)
the provision shall be deleted.

6. **380 L 1119**: Council Directive 80/1119/EEC:

- adaptation (a)
the words 'Switzerland and Liechtenstein' and 'Schweiz/Suisse/Svizzera and Liechtenstein' shall be deleted;
- adaptation (b)
the heading 'II. EFTA States' shall be replaced by 'II. EFTA EEA States';
the words '18. Switzerland and Liechtenstein' shall be deleted;
'18. Switzerland' shall be inserted immediately below the heading 'III. Non-EEA European Countries';
- adaptation (d)
the words 'EFTA countries' shall be replaced by 'EFTA EEA countries'.

7. **380 L 1177: Council Directive 80/1177/EEC:**

- adaptation (a)

the abbreviations 'SBB/CFF/FFS' and 'BLS', including the full names, shall be deleted;

- adaptation (b)

the words 'Switzerland Schweiz/Suisse/Svizzera' shall be deleted;

- adaptation (c)

'17. Switzerland' shall be deleted under the heading 'II. EFTA States' and be inserted immediately below the heading 'B. Non-EEA countries';

the heading 'II. EFTA States' shall be replaced by 'II. EFTA EEA States';

D. Foreign and Community internal trade statistics

8. **375 R 1736: Regulation (EEC) No 1736/75:**

- adaptation (b), paragraph 3

the following shall be deleted

'Switzerland and Liechtenstein together form one single statistical territory.';

- adaptation (h)

the provision shall be deleted.

9. **377 R 0546: Commission Regulation (EEC) No 546/77:**

- adaptations (a) and (b)

the entry 'Switzerland:', including the provision, shall be deleted.

16. **388 R 0455: Commission Regulation (EEC) No 455/88:**

- adaptation

the words 'for Switzerland: SFrs 1 000' shall be deleted.

E. Demographical and social statistics

18. **376 R 0311**: Council Regulation (EEC) No 311/76:

- adaptation (a)

the words 'and Switzerland' shall be deleted.

F. National accounts - GDP

19. **389 L 0130**: Council Directive 89/130/EEC/Euratom:

- adaptation (b)

the words 'and Switzerland' shall be deleted.

G. Nomenclatures

20. **390 R 3037**: Council Regulation (EEC) No 3037/90:

- adaptation

the words 'and Switzerland' shall be deleted.

H. Agricultural statistics

21. **372 L 0280**: Council Directive 72/280/EEC:

- adaptation (b)

'Switzerland: -' shall be deleted;

- adaptations (c), (e) and (f)

the words 'and Switzerland' shall be deleted.

22. **372 D 0356**: Commission Decision 72/356/EEC:

- adaptation (a)

the words 'Switzerland: One region only' shall be deleted;

- adaptation (b)

the words 'and Switzerland' shall be deleted.

23. 388 R 0571: Council Regulation (EEC) No 571/88:

- adaptation (e)

entries B.04, E, J.17

the words 'and Switzerland' shall be deleted;

- adaptation (f)

the provision shall be deleted;

- adaptations (g) and (h)

the words 'and Switzerland' shall be deleted.

24. 390 R 0837: Council Regulation (EEC) No 837/90:

- adaptation (b)

'Switzerland: -' shall be deleted;

- adaptation (d)

the words 'and Switzerland' shall be deleted.

I. Fishery statistics

25. 391 R 1382: Council Regulation (EEC) No 1382/91:

- adaptation (a)

the heading 'EFTA' shall be replaced by 'EFTA EEA States'.

J. Energy statistics

26. 390 L 0377: Council Directive 90/377/EEC:

- adaptations (a), (b) and (d)

the words 'and Switzerland' shall be deleted.

XVII ANNEX XXII, COMPANY LAW

A. Transition Periods

The words 'Switzerland and' shall be deleted.

B. 1. 368 L 0151: First Council Directive 68/151/EEC:

- adaptation

the entry '*In Switzerland:*', including the provision, shall be deleted.

2. 377 L 0091: Second Council Directive 77/91/EEC:

- adaptation (a)

the entry '*in Switzerland:*', including the provision, shall be deleted.

3. 378 L 0855: Third Council Directive 78/855/EEC:

- adaptation (a)

the entry '*Switzerland:*', including the provision, shall be deleted.

4. 378 L 0660: Fourth Council Directive 78/660/EEC:

- adaptation (a)

the entry '*in Switzerland:*', including the provision, shall be deleted.

6. 383 L 0349: Seventh Council Directive 83/349/EEC:

- adaptation

the entry '*(s) in Switzerland:*', including the provision, shall be deleted.

9. 389 L 0667: Twelfth Council Directive 89/667/EEC:

- adaptation

the entry '*in Switzerland:*', including the provision, shall be deleted.

FINAL ACT

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

hereinafter referred to as "the EFTA States",

meeting at Brussels, this seventeenth day of March in the year one thousand nine hundred and ninety-three for the signature of the Protocol Adjusting the Agreement on the European Economic Area, have adopted the following texts:

- I. the Protocol Adjusting the Agreement on the European Economic Area ;
- II. the Annex provided for in Article 20 of the Protocol Adjusting the Agreement on the European Economic Area, which is annexed to that Protocol.

The plenipotentiaries of the Community and of the EC Member States and the plenipotentiaries of the EFTA States have adopted the joint declaration annexed to this Final Act.

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

The plenipotentiaries of the Community and of the EC Member States and the plenipotentiaries of the EFTA States have taken note of the declaration of the Government of France annexed to this Final Act.

The plenipotentiaries of the Community and of the EC Member States and the plenipotentiaries of the EFTA States have taken note that the references to Switzerland contained in the following joint declarations listed in and annexed to the Final Act signed in Oporto on 2 May 1992 have lapsed :

3. Joint Declaration on a transitional period concerning the issuing of making out of documents relating to the proof of origin

and
8. Joint Declaration on transport of goods by road.

The plenipotentiaries of the Community and of the EC Member States and the plenipotentiaries of the EFTA States have taken note that the following agreements laid down in the Agreed Minutes of the negotiations annexed to the Final Act signed in Oporto on 2 May 1992, have lapsed :

- Ad Protocol 16 and Annex VI,
- Ad Annex VII (concerning engineers of the Foundation of the Swiss Register of Engineers).

They have agreed that in the Agreed Minute "Ad Protocol 47" the words 'the Community and Switzerland and' shall be deleted.

Finally, the plenipotentiaries of the Community and of the EC Member States and the plenipotentiaries of the EFTA States have taken note with regard to the declarations listed in and annexed to the Final Act signed in Oporto on 2 May 1992 that :

I. the following declarations have lapsed :

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 ;
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 ;
34. Declaration by the Government of Switzerland concerning customs duties of a fiscal nature ;
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 ;

II. in the following declarations the declaration made by the Government of Switzerland or the declaration made by the European Community with reference to Switzerland have lapsed :

2. Declaration by the Governments of Liechtenstein and Switzerland on alcohol monopolies ;
13. Declaration by the Governments of Austria and Switzerland on audio-visual services ;
14. Declaration by the Governments of Liechtenstein and Switzerland on administrative assistance ;
15. Declaration by the European Community ;
33. Declaration by the European Community and the Governments of Austria, Finland, Liechtenstein, Sweden and Switzerland on whale products ;
35. Declaration by the European Community on bilateral agreements.

JOINT DECLARATION

- 1. Whilst fully respecting the outcome of the Swiss referendum of 6 December 1992, the Contracting Parties to the EEA Agreement regret that as a consequence of Swiss non-participation the EEA could not be realised among the Contracting Parties initially foreseen.**
- 2. The Contracting Parties to the EEA Agreement have taken note that the Swiss authorities have kept open the option of future EEA participation. They will welcome Swiss participation in the EEA and will be ready to enter into negotiations if Switzerland submits an application according to Article 128 of the EEA Agreement as modified by the Protocol Adjusting the EEA Agreement.**
- 3. Later participation of Switzerland in the EEA should be based on the results laid down in the original EEA Agreement and bilateral agreements negotiated at the same time as well as on possible subsequent changes in those agreements.**

AGREED MINUTES

The Contracting Parties agreed that:

Ad Article 15:

the specific date of the entry into force of the provisions referred to in Article 15 is due to budgetary technical difficulties and shall be without prejudice to any bilateral or multilateral cooperation in the fields concerned and shall further not affect any cooperation referred to in Article 85 of the EEA Agreement.

In order to ensure the orderly entry into force of the provisions referred to in Article 15, the experts of the EFTA States may, during the period up to 1 January 1994, participate provisionally in the committees which assist the EC Commission in the management or development of Community activities in the fields covered by those provisions.

Each EFTA State shall bear its own costs incurred by this participation.

Ad Article 20:

Annex IV (Energy)

8. **390 L 0547:** Council Directive 90/547/EEC and
9. **391 L 0296:** Council Directive 91/296/EEC

as regards the term "intra-EFTA trade", the word "EFTA" refers to those EFTA States for which the EEA Agreement has entered into force;

Annex XIV (Competition)

1. **389 R 4064:** Council Regulation (EEC) No 4064/89

as regards the terms "EFTA dimension" in adaptations (a), (b) and (h), "EFTA-wide turnover" in adaptations (b) and (j), and "EFTA residents" in adaptation (j), the word "EFTA" refers to those EFTA States for which the EEA Agreement has entered into force.

**DECLARATION
BY THE GOVERNMENT OF FRANCE**

France notes that the Agreement on the European Economic Area does not apply to overseas countries and territories associated to the European Economic Community pursuant to the provisions of the Treaty establishing the European Economic Community.

Council of the European Union
European Commission

Protocol adjusting the Agreement on the European Economic Area

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