

How EU Law
becomes **EEA** Law



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EUROPEAN FREE TRADE ASSOCIATION

<http://eealaw.efta.int>

<https://youtu.be/Sllgo24kWqU>



Overview

The procedure in detail

Glossary

English



Stage I

The EEA EFTA States contribute to EU decision shaping

When the European Commission assesses the need for new internal market legislation, experts from the EEA EFTA States participate in the process. They contribute with their technical expertise and identify possible issues for the EEA EFTA States.

1. Participation in EU expert groups and committees

When the European Commission prepares new legislation, it discusses the drafts in expert groups and committees where the EEA EFTA States participate, but do not have the right to vote.



[More information](#)

2. Early assessment and EEA EFTA Comments

When the Commission publishes a proposal, the [EEA EFTA Working or Expert Groups](#) assess possible EEA challenges. Throughout the EU's decision-making process, they may also voice their support and concerns to the EU institutions in an [EEA EFTA Comment](#).

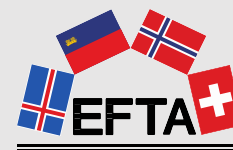


[More information](#)



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



The EEA EFTA States contribute to EU decision shaping

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

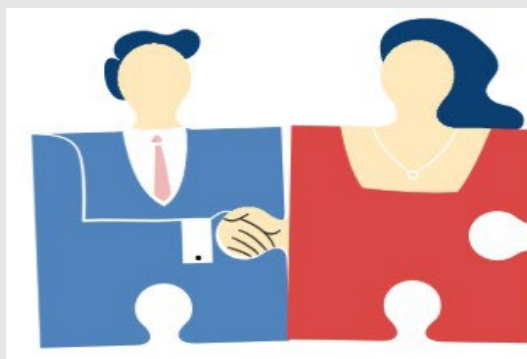
5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- Participation in EU expert groups and committees, but without the right to vote
- Early assessment by experts of EEA challenges in EU proposals
- EEA EFTA comments on important policy issues



EU adopts new legislation

1. EU drafts new legislation

2. EU adopts new legislation

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8. Implementation in the EFTA States

Official Journal of the European Union



English edition

Legislation

REGULATIONS

- | | | |
|-------|---|----|
| * | Commission Delegated Regulation (EU) 2016/438 of 17 December 2015 supplementing Directive 2009/65/EC of the European Parliament and of the Council with regard to obligations of depositaries (²) | 11 |
| <hr/> | | |
| * | Commission Regulation (EU) 2016/441 of 23 March 2016 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of Steviol glycosides (E 960) as a sweetener in mustard (²) | 47 |

(¹) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

(²) 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.



EFTA Secretariat: Identification and preliminary assessment

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

EFTA Secretariat:

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



EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Case ref: 18/00160
Doc ref: 18/00160-1

FAST-TRACK PROCEDURE FORM

The act below is considered to fulfil the conditions of the fast-track procedure foreseen in point 2.2.1. of the Standing Committee procedures of 8 May 2014. The fast-track procedure is therefore proposed. A draft Joint Committee Decision (JCD) will automatically be sent to the Subcommittee upon publication of the act in the Official Journal of the European Union, but not earlier than six weeks after the fast-track procedure form has been issued.

**Please only return this form to the Secretariat
in the case of OPPOSITION to the fast-track procedure**

To: The Working Group on Food Chain
Issued: 23/02/2018

Draft JCD will not be sent out before: 06/04/2018

EFTA Secretariat's case handler: Margret SIGURDARDOTTIR

THE FOLLOWING ACT HAS RECENTLY BEEN PUBLISHED IN AN EU REGISTER:

Full title: Commission Implementing Regulation authorising the placing on the market of *Ecklonia cava phlorotannins* as a novel food ingredient under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470

EU register: Comitology register

EU register document number: D055332/04

Date of publication in the EU register: 22/02/2018

Link to the act:
http://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&dos_id=0&ds_id=55332&version=4

- 2 -

Doc ref: 18/00160-1

SUGGESTED PLACEMENT OF ACT IN THE EEA AGREEMENT

Annex	Chapter	Subchapter	Prot.
II	II.XII		

OPPOSITION TO FAST-TRACK PROCEDURE

Please fill in your ministry / department and country:

To be returned to: EEA.Registrar@efta.int

Date of opposition:

Reason(s) for opposition:

Please state the reason(s) for opposing the fast-track procedure.

EUROPEAN ECONOMIC AREA

STANDING COMMITTEE OF THE EFTA STATES

Case ref: 18/00153
Doc ref: 18/00153-1

STANDARD PROCEDURE FORM

Please fill in your ministry / department and country:

To: The Working Group on Food Chain

Issued: 23/02/2018

To be returned to: EEA.Registrar@efta.int

To be returned by: 15/06/2018

EFTA Secretariat's case handler: Margret SIGURDARDOTTIR

THE FOLLOWING EU ACT HAS RECENTLY BEEN PUBLISHED IN AN EU REGISTER:

Title: Commission Regulation (EU) .../... of XXX amending Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the requirements for the removal of specified risk materials from small ruminants

EU register: Comitology register

EU register document number: D048017/06

Date of publication in the EU register: 20/02/2018

Link to the act:
http://ec.europa.eu/transparency/regcomitology/index.cfm?do=search.documentdetail&dos_id=15602&ds_id=48017&version=6&History=true

Annex Chapter Subchapter Prot.

SUGGESTED PLACEMENT OF ACT IN THE EEA AGREEMENT

I II II.7

Doc ref: 18/00153-1

- 2 -

SECRETARIAT'S ASSESSMENT OF POSSIBLE EEA HORIZONTAL CHALLENGES:

Possible EEA horizontal challenges identified in the EU act under consideration:
If **yes**, please see below.

No

ASSESSMENT BY EEA EFTA EXPERTS OF POSSIBLE EEA HORIZONTAL CHALLENGES

(double-click on the appropriate box(es) and in the pop-up window tick "Checked" in "Default value"):

Possible EEA horizontal challenges identified in the EU act under consideration:

☐ yes ☐ no

If **yes**, please specify below.

Adaptations/explanatory note/declaration to act(s) amended or repealed by the act under consideration

- ☐ The act under consideration amends or repeals provision(s) of an act already incorporated into the EEA Agreement, for which there is an adaptation, explanatory note or declaration.

Article(s) of the act concerned:	Number of the EEA JCD(s):
Please indicate the article(s) concerned.	Please indicate the number(s) of the EEA JCD(s) that contain(s) adaptations to the act(s) amended or repealed by the act under consideration. Please also indicate any relevant declaration(s) or explanatory notes.

Possible issues regarding EEA relevance

- ☐ Provisions containing references to act(s) not incorporated in the EEA Agreement

Article(s) of the act concerned:	Celex number and title of the act(s) referred to:
Please indicate which article(s) is/are concerned.	Please indicate the Celex number and title of the act(s) that has/have not been incorporated.

- ☐ Provisions related to a third country / third countries

Article(s) of the act concerned:	Brief explanation:
Please indicate which article(s) is/are concerned.	Please provide a brief explanation.

- ☐ Provisions foreseeing criminal law sanctions

Article(s) of the act concerned:	Brief explanation:
Please indicate which article(s) is/are concerned.	Please provide a brief explanation.

- ☐ Other issue(s) regarding EEA relevance

Article(s) of the act concerned:	Brief explanation:
Please indicate which article(s) is/are concerned.	Please provide a brief explanation.

Experts assess the act

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- EEA relevance
- Need for adaptations?
 - **Technical** adaptations
 - **Substantive** adaptations



Adaptations - Different forms

Three different **forms** of adaptations:

- > Horizontal → Covers all acts in Annexes (**Protocol 1 EEA**)
- > Sectoral → Covers a specific Annex/part of an Annex
- > Specific → Covers specific act

All adaptations have the same effect: The act(s) are to be read in a specific way for the purpose of the EEA!



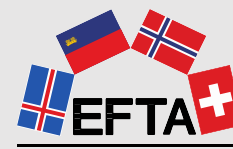
Adaptation texts – different categories

Technical adaptations:

- > **No material changes** to the act (e.g. inclusion of EFTA States to lists, references to TFEU, transitional measures etc.)

Substantive adaptations:

- > **Modifies rights and/or obligations** contained in the EU rules (e.g. exemptions, different institutional setup, decision-making powers, fines etc.)



National procedures in the EEA EFTA States

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states:
Relevance and adaptations

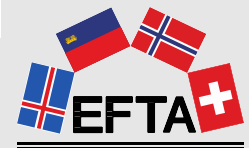
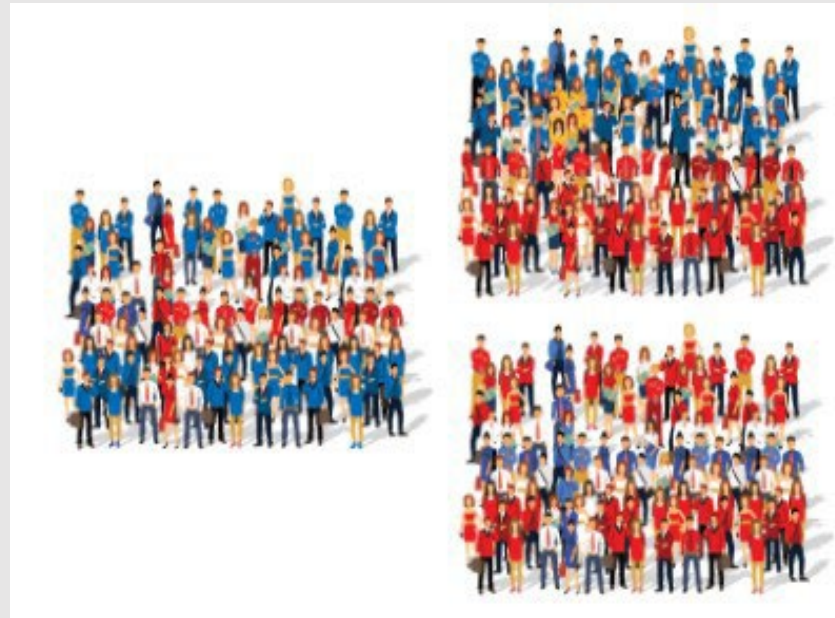
5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- Procedures vary between the three EEA EFTA States
- See [Webtool](#) for more details on procedures in each State



The EEA EFTA States agree on a draft decision to incorporate an act

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

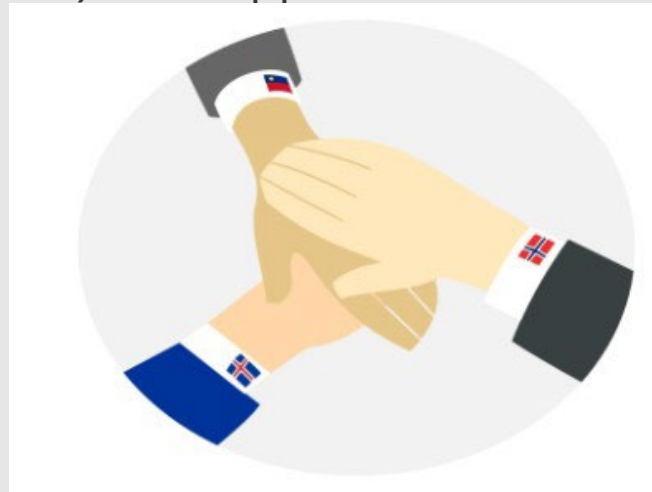
5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- Drafted by the EFTA Secretariat based on feedback from experts
- Approved by the EEA EFTA States
- Submitted to the European Commission (General Secretariat) once approved



The EU reviews and approves the draft Decision

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

The European Commission

- Inter-service consultation on the draft Decision with the relevant Directorates-General
- Timeline depends on if there are substantive adaptations



The EU reviews and approves the draft Decision

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

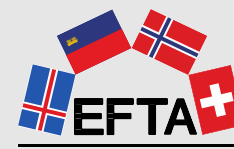
6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

The Council of the EU

- If the draft Decision contains *substantive adaptations* or budgetary consequences, the Council of the European Union must give the EEAS the mandate to adopt it



List of acts ready to be incorporated

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

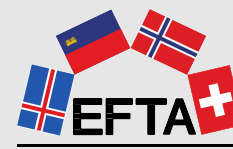
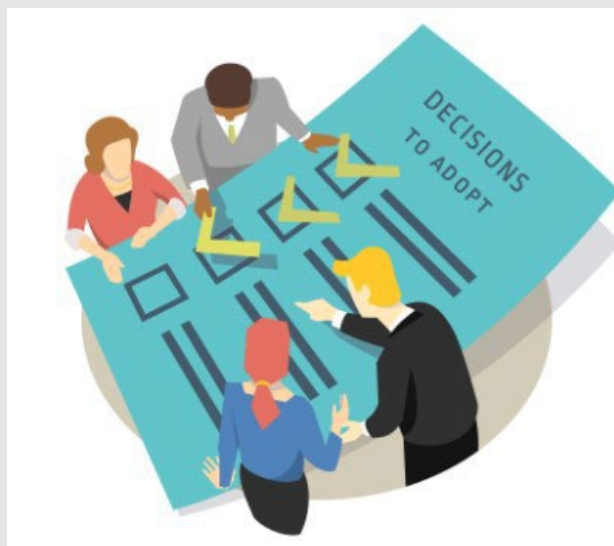
5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- EEA EFTA States and the EU agree on a *list of draft Joint Committee Decisions* that are ready for adoption
- Decisions put on the agenda for the next meeting of the EEA Joint Committee



The EEA Joint Committee adopts the Decision

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

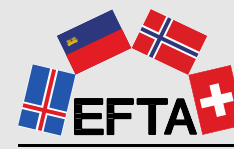
6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

Adoption of the Decision

- The EEA Joint Committee is responsible for managing the EEA Agreement
- In this forum the EU and the EEA EFTA States exchange views and take decisions by consensus to incorporate EU act



Entry into force of the Joint Committee Decision

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- Normally one day after adoption
- Exceptions
 - Fulfilment of **constitutional requirements**



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
Þórir IBSEN



The EEA EFTA States are obliged to implement incorporated acts

1. EU drafts new legislation

2. EU adopts new legislation

3. Secr: Identification and preliminary assessment

4. EFTA states: Relevance and adaptations

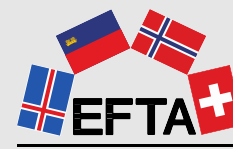
5. Secr: Drafts decision for incorporation

6. Negotiations with the EU

7. EEA Joint Committee Decision

8. Implementation in the EFTA States

- Surveillance by the **EFTA Surveillance Authority (ESA)**
- Jurisdiction of the **EFTA Court**





32018R0608

Commission Implementing Regulation (EU) 2018/608 of 19 April 2018 laying down technical criteria for electronic tags for marine equipment



Legal status

EU legal act incorporated into the EEA Agreement by a Joint Committee Decision (JCD)

Area (EEA Agreement)

II Technical Regulations, Standards, Testing and Certification
II.XXXII Marine Equipment

Joint committee decision (JCD)

244/2018

In force in the EEA

Yes

Legal documents



Commission Implementing Regulation (EU) 2018/608 of 19 April 2018 laying down technical criteria for electronic tags for marine equipment

Thank you!



<http://eealaw.efta.int>

