

**AGREEMENT AMENDING PROTOCOL 9 TO THE AGREEMENT BETWEEN  
THE EFTA STATES ON THE ESTABLISHMENT OF A SURVEILLANCE  
AUTHORITY AND A COURT OF JUSTICE**

ICELAND  
THE PRINCIPALITY OF LIECHTENSTEIN  
THE KINGDOM OF NORWAY

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, (“Surveillance and Court Agreement”), and in particular Article 49 thereof,

Having consulted the EFTA Surveillance Authority,

Having regard to the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union of 28 January 2020 (“Separation Agreement”),

Noting that, pursuant to Article 64(2) of the Separation Agreement, the implementation and application of Part Two of that Agreement shall be monitored by the EFTA Surveillance Authority, which shall have equivalent powers as those that follow from the EEA Agreement and the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“Surveillance and Court Agreement”). This includes the ability to conduct inquiries on its own initiative concerning alleged breaches of Part Two by the administrative authorities of the EEA EFTA States and to receive complaints from United Kingdom nationals and their family members for the purposes of conducting such inquiries. The EFTA Surveillance Authority shall also have the right to bring a matter before the EFTA Court pursuant to the Surveillance and Court Agreement,

Whereas, provisions should be laid down to allow the EFTA Surveillance Authority and the EFTA Court to exercise the tasks conferred upon them by the Separation Agreement,

Whereas, therefore, Protocol 9 to the Surveillance and Court Agreement should be amended,



HAVE AGREED AS FOLLOWS:

*Article 1*

The following is added in Protocol 9 to the Surveillance and Court Agreement:

*‘Article 2*

*(powers of the EFTA Surveillance Authority and the EFTA Court)*

Without prejudice to Article 5 of this Agreement, the EFTA Surveillance Authority shall monitor the implementation and application in the EFTA States of Part Two of the Agreement on arrangements between Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland following the withdrawal of the United Kingdom from the European Union, the EEA Agreement and other agreements applicable between the United Kingdom and the EEA EFTA States by virtue of the United Kingdom’s membership of the European Union (“Separation Agreement”). For this purpose, the powers of the EFTA Surveillance Authority and the EFTA Court that follow from the EEA Agreement and this Agreement shall apply *mutatis mutandis*.

The EFTA Surveillance Authority shall annually inform the Joint Committee established by Article 65 of the Separation Agreement on the implementation and application of Part Two of the Separation Agreement in the EFTA States. The information provided shall, in particular, cover measures taken by the EFTA States to implement or comply with Part Two and the number and nature of complaints received.’

*Article 2*

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

Before the end of a period of six months from its entry into force, this Agreement shall be drawn up and authenticated in German, Icelandic and Norwegian.

2. This Agreement shall be deposited with the Government of Norway, which shall notify all other EFTA States. The instruments of approval shall be deposited with the Government of Norway which shall notify all other EFTA States.
3. This Agreement shall enter into force on the day all instruments of approval have been deposited by the EFTA States. It shall apply from the day of application of Part Two of the Separation Agreement.



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

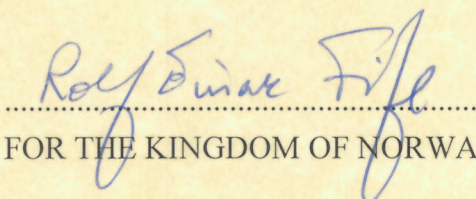
Done at Brussels, 18 November 2020.



FOR ICELAND



FOR THE PRINCIPALITY OF  
LIECHTENSTEIN



FOR THE KINGDOM OF NORWAY