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ECC/2020/08

ESA/COURT COMMITTEE**Decision 2020 No 8****of 1 December 2020****on the****Amendment of the Statute of the EFTA Court**

THE REPRESENTATIVES OF THE CONTRACTING PARTIES TO THE AGREEMENT BETWEEN THE EFTA STATES ON THE ESTABLISHMENT OF A SURVEILLANCE AUTHORITY AND A COURT OF JUSTICE (the “ESA/Court Committee”),

HAVING REGARD to Article 44 of the Statute of the EFTA Court, cf. Protocol 5 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, whereby the Governments of the EFTA States can amend the Statute on a proposal from or after hearing the Court;

NOTING that Article 63 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 of 28 January 2020 (“Separation Agreement”) provides for the continued representation or assistance by a lawyer authorised to practise before the courts of the United Kingdom of a party in proceedings brought before the EFTA Court or in advisory opinions referred to the EFTA Court before the end of the transition period,

WHEREAS it is necessary to amend the Statute of the EFTA Court to provide for such continued representation,

HAVING consulted the EFTA Court,

ADOPTS THE FOLLOWING AMENDMENT:

Article 1

The following new article shall be inserted after Article 17 of the Statute of the EFTA Court:

‘Article 17a

A lawyer authorised to practise before the courts of the United Kingdom, who represented or assisted a party in proceedings before the EFTA Court or in relation to requests for advisory opinions referred to it before the end of the period referred to in Article 2(h) 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”), may continue to represent or assist

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that party in those proceedings or requests. This right shall apply to all stages of proceedings. Article 17 of this Statute shall apply to those lawyers.

When representing or assisting a party before the EFTA Court in the cases referred to in paragraph 1, the lawyers authorised to practise before the courts of the United Kingdom shall in every respect be treated as lawyers authorised to practise before courts of the EFTA States representing or assisting a party before the EFTA Court.'

Article 2

This Decision shall enter into force on the day of its adoption. It shall apply from the day of application of Part Three of the Separation Agreement.

Done at Brussels, 1 December 2020

For the ESA/Court Committee

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*Ambassador Sabine Monauni, Chair
Mission of Liechtenstein to the EU*