

PROTOCOL 1

ON HORIZONTAL ADAPTATIONS

The provisions of the acts referred to in the Annexes to the Agreement shall be applicable in accordance with the Agreement and this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

1. INTRODUCTORY PARTS OF THE ACTS

The preambles of the acts referred to are not adapted for the purposes of the Agreement. They are relevant to the extent necessary for the proper interpretation and application, within the framework of the Agreement, of the provisions contained in such acts.

2. PROVISIONS ON EC COMMITTEES

Procedures, institutional arrangements or other provisions concerning EC committees contained in the acts referred to are dealt with in Articles 81, 100 and 101 of the Agreement and in Protocol 31.

3. PROVISIONS SETTING UP PROCEDURES FOR ADAPTING/AMENDING COMMUNITY ACTS

Where an act referred to provides for EC procedures on its adaptation, extension or amendment or for the development of new Community policies, initiatives or acts, the relevant decision-making procedures provided for in the Agreement shall apply.

4. EXCHANGE OF INFORMATION AND NOTIFICATION PROCEDURES

(a){¹} Where an EC Member State is to submit information to the EC Commission, an EFTA State shall submit such information to the EFTA Surveillance Authority which shall pass it on to the Standing Committee of the EFTA States. The same shall apply when the transmission of information is to be carried out by the competent authorities. The EC Commission and the EFTA Surveillance Authority shall exchange information they have received from the EC Member States or from the EFTA States or from the competent authorities.

(b) Where an EC Member State is to submit information to one or more other EC Member States, it shall also submit that information to the EC Commission which shall pass it on to the Standing Committee for distribution to the EFTA States.

An EFTA State shall submit corresponding information to one or more other EFTA States and to the Standing Committee which shall pass it on to the EC Commission for distribution to the EC Member States. The same shall apply when the information is to be submitted by the competent authorities.

(c) In areas where, for reasons of urgency, rapid transfer of information is called for, appropriate sectoral solutions providing for direct exchange of information shall apply.

(d) Functions of the EC Commission in the context of procedures for verification or approval, information, notification or consultation and similar matters shall for the EFTA States be carried out according to procedures established among them. This is without prejudice to paragraphs 2, 3 and 7. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall exchange all information regarding these matters. Any issue arising in this context may be referred to the EEA Joint Committee.

{¹} This paragraph, introduced by Decision No 2/94 (OJ L 85, 30.3.1994, p. 64 and EEA Supplement No 1, 30.3.1994, p. 4) e.i.f. 1.7.1994, replaces former paragraph 4(a).

5. REVIEW AND REPORTING PROCEDURES

Where, according to an act referred to, the EC Commission or another EC body is to prepare a report or an assessment or the like, the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall, unless otherwise agreed, concurrently prepare, as appropriate, a corresponding report or assessment or the like, with regard to the EFTA States. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall consult each other and exchange information during the preparation of their respective reports, copies of which shall be sent to the EEA Joint Committee.

6. PUBLICATION OF INFORMATION

- (a) Where, according to an act referred to, an EC Member State is to publish certain information on facts, procedures and the like, also the EFTA States shall, under the Agreement, publish the relevant information in a corresponding manner.
- (b) Where, according to an act referred to, facts, procedures, reports and the like are to be published in the Official Journal of the European Communities, the corresponding information regarding the EFTA States shall be published in a separate EEA section* thereof.

7. RIGHTS AND OBLIGATIONS

Rights conferred and obligations imposed upon the EC Member States or their public entities, undertakings or individuals in relation to each other, shall be understood to be conferred or imposed upon Contracting Parties, the latter also being understood, as the case may be, as their competent authorities, public entities, undertakings or individuals.

8. REFERENCES TO TERRITORIES

Whenever the acts referred to contain references to the territory of the "Community" or of the "common market" the references shall for the purposes of the Agreement be understood to be references to the territories of the Contracting Parties as defined in Article 126 of the Agreement.

9. REFERENCES TO NATIONALS OF EC MEMBER STATES

Whenever the acts referred to contain references to nationals of EC Member States, the references shall for the purposes of the Agreement be understood to be references also to nationals of EFTA States.

10. REFERENCES TO LANGUAGES

Where an act referred to confers upon the EC Member States or their public entities, undertakings or individuals rights or imposes obligations regarding the use of any of the official languages of the European Communities, the corresponding rights and obligations regarding the use of any of the official languages of all Contracting Parties shall be understood to be conferred or imposed upon Contracting Parties, their competent authorities, public entities, undertakings or individuals.

11. ENTRY INTO FORCE AND IMPLEMENTATION OF ACTS

Provisions on the entry into force or implementation of the acts referred to in the Annexes to the Agreement are not relevant for the purposes of the Agreement. The time limits and dates for the EFTA States for bringing into force and implementing acts referred to follow from the date of entry into force^{2} of the Agreement, as well as from provisions on transitional arrangements.

* The table of contents of the EEA section would also contain references to where the information in question concerning the EC and its Member States could be found.

^{2} The words "Article 129 (3)" replaced by the words "the date of entry into force" by the Adjusting Protocol.

12. ADDRESSEES OF THE COMMUNITY ACTS

Provisions indicating that a Community act is addressed to the Member States of the Community are not relevant for the purposes of the Agreement.
