

PROTOCOL 17

CONCERNING ARTICLE 34

1. Article 34 of the Agreement shall not prejudice the adoption of legislation or the application of any measures by the Contracting Parties concerning third-country access to their markets.

Any legislation in a field which is governed by the Agreement shall be dealt with according to the procedures laid down in the Agreement and the Contracting Parties shall endeavour to elaborate corresponding EEA rules.

In all other cases the Contracting Parties shall inform the EEA Joint Committee of the measures and, whenever necessary, endeavour to adopt provisions to ensure that the measures are not circumvented through the territory of the other Contracting Parties.

If no agreement can be reached on such rules or provisions, the Contracting Party concerned may take measures necessary to prevent circumvention.

2. For the definition of the beneficiaries of the rights derived from Article 34, Title I of the General Programme for the abolition of restrictions on freedom of establishment (OJ 2, 15.1.1962, p. 36/62) shall apply with the same legal effect as within the Community.