
PROTOCOL 9

ON THE FUNCTIONS AND POWERS OF THE EFTA SURVEILLANCE AUTHORITY AND THE EFTA COURT FOLLOWING THE WITHDRAWAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FROM THE EUROPEAN UNION AND THE EEA AGREEMENT {¹}

Article 1

(transition period)

In the interpretation and application of the EEA Agreement and this Agreement, the EFTA Surveillance Authority and the EFTA Court shall, notwithstanding the withdrawal of the United Kingdom of Great Britain and Northern Ireland (“United Kingdom”) from the European Union and the EEA Agreement, for the duration of the transition period, continue to treat the United Kingdom as if it were a Member State of the European Union for the purposes of the EEA Agreement, its protocols and annexes.

The transition period starts on the day of the withdrawal of the United Kingdom from the European Union and the EEA Agreement and ends on 31 December 2020. Paragraph 1 shall continue to apply in the event of a decision by the European Union and the United Kingdom to extend the transition period in accordance with the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (“EU-UK Withdrawal Agreement”), provided that the EFTA States continue to treat the United Kingdom as if it were a Member State of the European Union for the purposes of the EEA Agreement, its protocols and annexes, until the end of the extended transition period.

Article 2 {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

{¹} As added by Agreement amending the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice by adding Article 44a and Protocol 9 to the Agreement, signed in Brussels on 30 January 2020. (e.i.f. 25.6.2020).

{²} Article 2 inserted by Agreement amending Protocol 9 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, signed in Brussels on 18 November 2020. (e.i.f. 22.12.2020, date of application 1.1.2021).

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.