

**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**

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,

Noting that 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 (the “EU-UK Withdrawal Agreement”) provides for a time-limited transition period during which, save certain very limited exceptions, Union law shall be applicable to and in the United Kingdom and that any reference to Member States in Union law, including as implemented and applied by Member States, shall be understood as including the United Kingdom.

Having regard to the exchanges of notes between the European Union and Iceland, the Principality of Liechtenstein and the Kingdom of Norway (the “EFTA States”) respectively¹, whereby the European Union notified the EFTA States that, during the transition period, the United Kingdom is treated as a Member State of the European Union for the purposes of international agreements concluded by the European Union, or by Member States acting on behalf of the European Union, or by the European Union and its Member States jointly, and whereby the EFTA States notified the European Union that they agreed that, during the transition period, they would continue to treat the United Kingdom as a Member State of the European Union for the purposes of the EEA Agreement, its protocols and annexes.

Whereas, the Surveillance and Court Agreement should be amended to affirm the above.

¹ Note Verbale from the Delegation of the European Union to Iceland of 27 January 2020 and Note Verbale from the Ministry for Foreign Affairs of Iceland of 27 January 2020; Note Verbale from the Delegation of the European Union to Liechtenstein of 28 January 2020 and Note Verbale from the Office for Foreign Affairs of the Principality of Liechtenstein of 29 January 2020; Note Verbale from the Delegation of the European Union to Norway of 27 January 2020 and Note Verbale from the Royal Norwegian Ministry of Foreign Affairs of 27 January 2020.

Whereas, therefore, Article 44a and 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, should be added to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The following Article shall be inserted after Article 44 of the Surveillance and Court Agreement:

'Article 44a

Special provisions regarding the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the EEA Agreement are laid down in Protocol 9 to this Agreement.'

Article 2

The words "Protocols 1 to 4 and 6 to 8" in Article 49 of the Surveillance and Court Agreement shall be replaced by the words "Protocols 1 to 4 and 6 to 9".

Article 3

Protocol 9 to the Surveillance and Court Agreement 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 shall be added after Protocol 8 to the Surveillance and Court Agreement. The text of Protocol 9 is annexed to this Agreement.

Article 4

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.

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

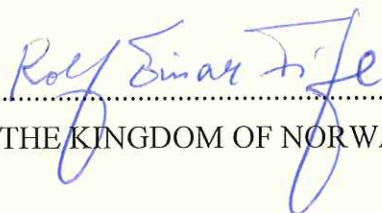
Done at Brussels, 30 January 2020.



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FOR ICELAND



.....
FOR THE PRINCIPALITY OF
LIECHTENSTEIN



.....
FOR THE KINGDOM OF NORWAY

Annex

to

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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***

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.