

**DECISION AMENDING PROTOCOL 5 TO THE AGREEMENT
BETWEEN THE EFTA STATES ON THE ESTABLISHMENT OF A
SURVEILLANCE AUTHORITY AND A COURT OF JUSTICE**

According to Article 44 of the Statute of the Court (Protocol 5 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice) the Governments of the EFTA States, represented in the ESA/Court Committee, on proposal from the Court, have today by common accord made the following *decision* to amend the Statute of the Court as follows:

1. Article 11 shall read:

The Court determines the extent to which the Registrar shall attend the Court, and shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court.

2. Article 15 new fourth paragraph shall read:

If according to this Article a Judge shall not take part in a particular case, a person to replace him shall be chosen in accordance with Article 30, fourth paragraph, of the Agreement, among those persons on the list who have been nominated by the Government which has nominated the regular Judge who is to be replaced.

The present fourth paragraph becomes the fifth paragraph.

3. Article 17 first and second paragraphs and new third paragraph shall read:

The EFTA States, the EFTA Surveillance Authority, the Community and the EC Commission shall be represented before the Court by an agent appointed for each case; the agent may be assisted by an adviser or by a lawyer.

Other parties must be represented by a lawyer.

Only a lawyer authorized to practice before a court of a Contracting Party to the EEA Agreement may represent or assist a party before the Court.

The present third and fourth paragraphs become the fourth and fifth paragraphs.

4. Article 19 first paragraph shall read:

A case shall be brought before the Court by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party or names of the parties against whom the application is made, the subject matter of the dispute, the form of order sought and a brief statement of the pleas in law on which the application is based.

5. Article 29 shall read:

Minutes shall be made of each hearing and signed by the President and the Registrar or a Judge designated to provide for the minutes.

6. Article 36 third paragraph shall read:

An application to intervene shall be limited to supporting the form of order sought by one of the parties.

Done at Brussels, this 10 day of August 1996.