

Adaptations to EU acts in the EEA Agreement



Through the EEA Agreement, the EU Member States and the EEA EFTA States (Iceland, Liechtenstein and Norway) have created a shared European Economic Area – the EEA. The EEA is dynamic and legally homogeneous, entailing the free movement of goods, services, persons and capital with common competition and state aid rules. This ensures that individuals and businesses can participate in the EEA on a level playing field.

To maintain the level playing field, EU legal acts in fields relevant to the EEA are incorporated into the EEA Agreement. Incorporation into the EEA Agreement means that the acts become applicable in the EEA EFTA States in addition to the EU Member States. Since EU legal acts are written for the 27 EU Member States in the context of the EU legal order, they require adjustments to fit into the legal context and institutional setup of the EEA Agreement. These adjustments are referred to as adaptations.

Types of adaptations in the EEA Agreement

Adaptations provide that relevant provisions of EU acts shall be read in a specific way for the purposes of the EEA Agreement. EU acts can be subject to three different types of adaptations in the EEA Agreement: horizontal, sectoral and specific adaptations.

Horizontal adaptations

Horizontal adaptations are contained in Protocol 1 and apply to all acts incorporated into the 22 Annexes to the EEA Agreement as well as some Protocols. The horizontal adaptations adjust EU acts to fit the main framework of the EEA Agreement and thereby avert the need to specifically adapt each act.

For example, Protocol 1 specifies that the rights and obligations conferred by acts on the EU Member States or on EU businesses or individuals are equally extended to the EEA EFTA States or EEA EFTA businesses or individuals. References to EU nationals,

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territories or the EU official languages are to be understood as referring to nationals of all EEA States, EEA territories and EEA official languages.

The horizontal adaptations in Protocol 1 also adjust EU acts to reflect the two-pillar institutional setup of the EEA Agreement. For example, whenever an EU Member State is to submit information to the European Commission, the EEA EFTA States

submit such information to the EFTA Surveillance Authority. The European Commission and the EFTA Surveillance Authority exchange information received when needed.

Sectoral adaptations

The EEA Agreement is organised into Annexes and Protocols each dedicated to a different sector or area of law (e.g. Consumer Protection, Intellectual Property, Environment etc.). EU acts are incorporated into the Annex or Protocol which corresponds to the relevant sector.

There are sometimes special arrangements at the sectoral level for how EU acts are to apply in the context of the EEA Agreement. Those arrangements are formalised through sectoral

SECTORAL



adaptations which apply to all acts within a certain Annex or Protocol or even a specific Chapter therein. For example, in the field of Medicines, the EU and the EU Member States are supported by the European Medicines Agency. Chapter XIII of Annex II on Medicinal Products contains a sectoral adaptation on the participation of the EEA EFTA States in the European Medicines Agency. Consequently, EU acts containing a role for the European Medicines Agency will be read in accordance with that sectoral adaptation.

Specific adaptations

Specific adaptations are sometimes made to individual EU acts when they are incorporated into the EEA Agreement to address issues specific to the content of the act. Incorporated acts are listed in the relevant Annex or Protocol to the EEA Agreement and are accompanied by the text of specific adaptations where relevant.

Specific adaptations are usually technical adjustments to the provisions of an EU act to ensure that the participation of the EEA EFTA States in the Internal Market is fully reflected. For example, if an EU act contains a list of entities in the EU Member States, a specific adaptation might add the corresponding entities in the EEA EFTA States to the list. Specific adaptations may also be used to address specific situations in the EEA EFTA States which are not considered in an EU act. This includes cases where the

SPECIFIC



geography, topography, climate, economic or demographic situations of the EEA EFTA States bear consideration. Specific adaptations can also clarify issues concerning the two-pillar institutional setup of the EEA Agreement or the scope of the EEA Agreement where the provisions of an act are not already adapted by horizontal or sectoral adaptations. For example, where EU institutions (e.g. the European Commission) are tasked with adopting binding decisions, granting authorisations or issuing fines, a specific adaptation would normally explain who performs those tasks on the EEA EFTA side. Another example could be where provisions of an EU act concern external relations with third countries. In such cases, specific adaptations are sometimes needed to reflect that the EEA Agreement does not cover external trade relations with countries outside the EEA.

How do I read EEA law?

EU acts incorporated into the EEA Agreement can only be read by considering the applicable adaptations. In order to read how an EU act applies in the EEA, you need to take the following steps:

1. Check whether the act is incorporated and in force in the EEA Agreement.

You can find this information on [EEA-Lex](#).

2. Check how the horizontal adaptations in Protocol 1 apply.

3. Check whether there are sectoral adaptations of relevance in the Annex or Protocol where the act is incorporated.

4. Check whether there are specific adaptations to the act.

5. Read the act with the relevant horizontal, sectoral or specific adaptations in mind.



How to read EEA Law - Webtool

www.efta.int