

## Agreement on the European Economic Area

### PART IX

#### GENERAL AND FINAL PROVISIONS

##### *Article 118*

1 Where a Contracting Party considers that it would be useful in the interests of all the Contracting Parties to develop the relations established by this Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Contracting Parties within the EEA Council. The latter may instruct the EEA Joint Committee to examine all the aspects of this request and to issue a report.

The EEA Council may, where appropriate, take the political decisions with a view to opening negotiations between the Contracting Parties.

2 The agreements resulting from the negotiations referred to in paragraph 1 will be subject to ratification or approval by the Contracting Parties in accordance with their own procedures.

##### *Article 119*

The Annexes and the acts referred to therein as adapted for the purposes of this Agreement as well as the Protocols shall form an integral part of this Agreement.

##### *Article 120*

Unless otherwise provided in this Agreement and in particular in [F1Protocols 41 and 43], the application of the provisions of this Agreement shall prevail over provisions in existing bilateral or multilateral agreements binding the European Economic Community, on the one hand, and one or more EFTA States, on the other, to the extent that the same subject matter is governed by this Agreement.

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#### **Textual Amendments**

**F1** Substituted by [Protocol adjusting the Agreement on the European Economic Area](#).

##### *Article 121*

The provisions of this Agreement shall not preclude cooperation:

- (a) within the framework of the Nordic cooperation to the extent that such cooperation does not impair the good functioning of this Agreement;
- (b) within the framework of the regional union between Switzerland and Liechtenstein to the extent that the objectives of this union are not attained by the application of this Agreement and the good functioning of this Agreement is not impaired[F2,]
- (c) [F3 . . . . .]

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#### Textual Amendments

- F2** Substituted by Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.
- F3** Deleted by Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.

#### Article 122

The representatives, delegates and experts of the Contracting Parties, as well as officials and other servants acting under this Agreement shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

#### Article 123

Nothing in this Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions and war materials or other products indispensable for defence purposes or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

#### Article 124

The Contracting Parties shall accord nationals of EC Member States and EFTA States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of Article 34, without prejudice to the application of the other provisions of this Agreement.

#### Article 125

This Agreement shall in no way prejudice the rules of the Contracting Parties governing the system of property ownership.

#### Article 126

1 The Agreement shall apply to the territories to which the Treaty establishing the European Economic Community [<sup>F3</sup>and the Treaty establishing the European Coal and Steel Community] is applied and under the conditions laid down in [<sup>F2</sup>that Treaty], and to the territories of [<sup>F2</sup>[<sup>F4</sup>the][<sup>F4</sup>Republic of] Iceland, the Principality of Liechtenstein and the Kingdom of Norway].

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2 Notwithstanding paragraph 1, this Agreement shall not apply to the Åland Islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Agreement with the Depositary, which shall transmit a certified copy thereof to the Contracting Parties, that the Agreement shall apply to those Islands under the same conditions as it applies to other parts of Finland subject to the following provisions:

- a The provisions of this Agreement shall not preclude the application of the provisions in force at any given time on the Åland Islands on:
  - (i) restrictions on the right for natural persons who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without permission by the competent authorities of the Islands;
  - (ii) restrictions on the right of establishment and the right to provide services by natural persons who do not enjoy regional citizenship in Åland, or by any legal person, without permission by the competent authorities of the Åland Islands.
- b The rights enjoyed by Ålanders in Finland shall not be affected by this Agreement.
- c The authorities of the Åland Islands shall apply the same treatment to all natural and legal persons of the Contracting Parties.

#### **Textual Amendments**

- F2** Substituted by [Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.](#)
- F3** Deleted by [Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area.](#)
- F4** Deleted by [Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area.](#)

#### *Article 127*

Each Contracting Party may withdraw from this Agreement provided it gives at least 12 months' notice in writing to the other Contracting Parties.

Immediately after the notification of the intended withdrawal, the other Contracting Parties shall convene a diplomatic conference in order to envisage the necessary modifications to bring to the Agreement.

#### *Article 128*

1 <sup>[F1</sup>Any European State becoming a member of the Community shall, and the Swiss Confederation or any European State becoming a member of EFTA may, apply to become a party to this Agreement. It shall address its application to the EEA Council.]

2 The terms and conditions for such participation shall be the subject of an agreement between the Contracting Parties and the applicant State. That agreement shall be submitted for ratification or approval by all Contracting Parties in accordance with their own procedures.

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**Textual Amendments**

**F1** Substituted by [Protocol adjusting the Agreement on the European Economic Area](#).

*Article 129*

1 This Agreement is drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Italian, Norwegian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

[<sup>F5</sup>Pursuant to the enlargements of the European Economic Area the versions of this Agreement in the Bulgarian, Croatian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Romanian, Slovak and Slovenian languages shall be equally authentic.]

[<sup>F5</sup>The texts of the acts referred to in the Annexes are equally authentic in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages as published in the *Official Journal of the European Union* and shall for the authentication thereof be drawn up in the Icelandic and Norwegian languages and published in the EEA Supplement to the *Official Journal of the European Union*.]

2 This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective constitutional requirements.

It shall be deposited with the General Secretariat of the Council of the European Communities by which certified copies shall be transmitted to all other Contracting Parties.

The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Communities which shall notify all other Contracting Parties.

[<sup>F13</sup> This Agreement shall enter into force on the date and under the conditions provided for in the Protocol adjusting the Agreement on the European Economic Area.]

**Textual Amendments**

**F1** Substituted by [Protocol adjusting the Agreement on the European Economic Area](#).

**F5** Substituted by [Agreement on the participation of the Republic of Croatia in the European Economic Area and three related agreements](#).