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Subject: Council Decision on the signing and provisional application of an Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014, an Agreement between the European Union and Norway on a Norwegian Financial Mechanism for the period 2009-2014, an Additional Protocol to the Agreement between the European Economic Community and Iceland, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014, and an Additional Protocol to the Agreement between the European Economic Community and Norway, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014

COUNCIL DECISION No. .../2010/EU

of ...

on the signing and provisional application of an Agreement between the European Union, Iceland, Liechtenstein and Norway on an EEA Financial Mechanism 2009-2014, an Agreement between the European Union and Norway on a Norwegian Financial Mechanism for the period 2009-2014, an Additional Protocol to the Agreement between the European Economic Community and Iceland, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014, and an Additional Protocol to the Agreement between the European Economic Community and Norway, concerning special provisions applicable to imports into the European Union of certain fish and fisheries products for the period 2009-2014

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The following financial mechanisms and cooperation programmes expired on 30 April 2009:
- the EEA Financial Mechanism 2004-2009 provided for in Protocol 38a to the Agreement on the European Economic Area ("EEA Agreement")¹, as subsequently supplemented with an addendum in 2007 upon Bulgaria and Romania becoming contracting parties to the EEA Agreement²;
 - the Norwegian Financial Mechanism 2004-2009 provided for in the Agreement between the Kingdom of Norway and the European Community on a Norwegian financial mechanism for the period 2004-2009³;
 - the Cooperation Programme mentioned in the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria⁴; and
 - the Cooperation Programme mentioned in the Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania⁵.

¹ OJ L 130, 29.4.2004, p. 14.

² OJ L 221, 25.8.2007, p. 18.

³ OJ L 130, 29.4.2004, p. 81.

⁴ OJ L 221, 25.8.2007, p. 46.

⁵ OJ L 221, 25.8.2007, p. 52.

- (2) The need to alleviate economic and social disparities within the European Economic Area persists. Therefore a new mechanism for the financial contributions of the EEA EFTA States and a new Norwegian financial mechanism should be established.
- (3) To this end, the Commission has negotiated, on behalf of the Union, an agreement with Iceland, Liechtenstein and Norway on a new EEA financial mechanism for the period 2009-2014 as well as an annex to that agreement. The annex will take the form of a protocol, to be named Protocol 38b to the EEA Agreement. To the same end, the Commission has also negotiated, on behalf of the Union, an agreement with Norway on a new Norwegian financial mechanism for the period 2009-2014.
- (4) Subject to their conclusion at a later date, these agreements should be signed.
- (5) The special provisions applicable to imports into the Union of certain fish and fisheries products originating in Iceland and Norway, provided for in the following protocols, expired on 30 April 2009 and should be reviewed in accordance with Article 2 of each of those protocols:
 - Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession 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 to the European Union¹;

¹ OJ L 130, 29.4.2004, p. 85.

- Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession 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 to the European Union¹;
 - Additional Protocol to the Agreement between the European Economic Community and Iceland consequent on the Accession of the Republic of Bulgaria and Romania to the European Union²;
 - Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union³.
- (6) To this end, the Commission has negotiated, on behalf of the Union, new additional protocols to the free trade agreements respectively with Iceland and Norway, to lay down special provisions applicable to imports into the Union of certain fish and fisheries products originating in Iceland and Norway for the period 2009-2014.
- (7) Subject to their conclusion at a later date, these additional protocols should be signed.

¹ OJ L 130, 29.4.2004, p. 89.

² OJ L 221, 25.8.2007, p. 58.

³ OJ L 221, 25.8.2007, p. 62.

- (8) The replacement of the existing financial mechanisms by new mechanisms, which relate to different time periods, different amounts of funds, and different implementing provisions, as well as the renewal and extension of the concessions relating to certain fish and fisheries products, taken as a whole, constitute an important development of the association with the EEA EFTA States, which justifies the recourse to Article 217 of the Treaty on the Functioning of the European Union.
- (9) Pending the completion of the procedures required for their conclusion, the Agreements referred to in recital 4 and the Protocols referred to in recital 7 should be applied on a provisional basis,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the following agreements and protocols is hereby approved on behalf of the Union, subject to their conclusion:

- Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009-2014 and the Annex thereto;
- Agreement between the European Union and the Kingdom of Norway on a Norwegian Financial Mechanism for the period 2009-2014;
- Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland and the Annex thereto;
- Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway and the Annex thereto.

The texts of the Agreements and Additional Protocols and the Annexes thereto are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign these Agreements and Protocols on behalf of the Union, subject to their conclusion.

Article 3

Pending the completion of the procedures for their conclusion, the Agreements and Protocols referred to in Article 1, shall be applied on a provisional basis as from the following dates:

- the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009-2014 and the Annex thereto, as from the first day of the first month following the deposit of the last notification to this effect;
- the Agreement between the European Union and the Kingdom of Norway on a Norwegian Financial Mechanism for the period 2009-2014, as from the first day of the first month following the deposit of the last notification to this effect;
- the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland and the Annex thereto, as from the first day of the third month following the deposit of the last notification to this effect;
- the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway and the Annex thereto, as from the first day of the third month following the deposit of the last notification to this effect.

Article 4

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

For the Council

The President

AGREEMENT
BETWEEN THE EUROPEAN UNION, ICELAND,
THE PRINCIPALITY OF LIECHTENSTEIN AND THE KINGDOM OF NORWAY
ON AN EEA FINANCIAL MECHANISM 2009-2014

THE EUROPEAN UNION,

ICELAND,

THE PRINCIPALITY OF LIECHTENSTEIN,

THE KINGDOM OF NORWAY,

WHEREAS the Parties to the Agreement on the European Economic Area ("EEA Agreement") agreed on the need to reduce the economic and social disparities between their regions with a view to promoting a continuous and balanced strengthening of trade and economic relations between them,

WHEREAS, in order to contribute to that objective, the EFTA States have established a Financial Mechanism in the context of the European Economic Area,

WHEREAS the provisions governing the EEA Financial Mechanism for the period 2004-2009 have been set out in Protocol 38a and the Addendum to Protocol 38a to the EEA Agreement,

WHEREAS the need to alleviate economic and social disparities within the European Economic Area persists, and therefore a new mechanism for the financial contributions of the EEA EFTA States should be established for the period 2009-2014,

HAVE DECIDED TO CONCLUDE THE FOLLOWING AGREEMENT:

ARTICLE 1

The text of Article 117 of the EEA Agreement shall be replaced by the following:

"Provisions governing the Financial Mechanisms are set out in Protocol 38, Protocol 38a and the Addendum to Protocol 38a, and Protocol 38b."

ARTICLE 2

A new Protocol 38b shall be inserted after Protocol 38a to the EEA Agreement. The text of Protocol 38b is provided for in the Annex to this Agreement.

ARTICLE 3

This Agreement shall be ratified or approved by the Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the first day of the second month after the last instrument of ratification or approval has been deposited.

Pending the completion of the procedures referred to in paragraphs 1 and 2, this Agreement shall be applied on a provisional basis as from the first day of the first month following the deposit of the last notification to this effect.

ARTICLE 4

This Agreement, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, the text in each of these languages being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Parties to this Agreement.

Done at Brussels, this ... of 2010.

For the European Union

For Iceland

For the Principality of Liechtenstein

For the Kingdom of Norway

PROTOCOL 38 B
ON THE EEA FINANCIAL MECHANISM (2009-2014)

ARTICLE 1

Iceland, Liechtenstein and Norway ("the EFTA States") shall contribute to the reduction of economic and social disparities in the European Economic Area and to the strengthening of their relations with the Beneficiary States, through financial contributions in the priority sectors listed in Article 3.

ARTICLE 2

The total amount of the financial contribution provided for in Article 1 shall be EUR 988,5 million, to be made available for commitment in annual tranches of EUR 197,7 million over the period running from 1 May 2009 to 30 April 2014, inclusive.

ARTICLE 3

1. The financial contributions shall be available in the following priority sectors:
 - (a) Environmental protection and management;

- (b) Climate change and renewable energy;
 - (c) Civil society;
 - (d) Human and social development;
 - (e) Protecting cultural heritage.
2. Academic research may be eligible for funding in so far as it is targeted at one or more of the priority sectors.
 3. The indicative allocation target for each Beneficiary State is at least 30 percent for priority sectors (a) and (b) combined, and 10 per cent for priority sector (c). The priority sectors shall, in accordance with the procedure referred to in Article 8 paragraph 2, be chosen, concentrated and adapted in a flexible manner, according to the different needs in each Beneficiary State, taking into account its size and the amount of the contribution.

ARTICLE 4

1. The EFTA contribution shall not exceed 85 percent of programme cost. It may in special cases be up to 100 per cent of programme cost.

2. The applicable rules on state aid shall be complied with.
3. The European Commission shall screen all programmes and any substantial change in a programme for their compatibility with the European Union's objectives.
4. The responsibility of the EFTA States for the projects is limited to providing funds according to the agreed plan. No liability to third parties will be assumed.

ARTICLE 5

The funds shall be made available to the following Beneficiary States: Bulgaria, Czech Republic, Estonia, Greece, Spain, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Portugal, Romania, Slovenia and Slovakia.

EUR 45,85 million shall be allocated to Spain for transitional support for the period 1 May 2009 – 31 December 2013. While taking into account transitional adjustments, the remaining funds shall be made available in accordance with the following distribution:

Funds (million EUR)

Bulgaria	78,60
Czech Republic	61,40
Estonia	23,00
Greece	63,40
Cyprus	3,85
Latvia	34,55
Lithuania	38,40
Hungary	70,10
Malta	2,90
Poland	266,90
Portugal	57,95
Romania	190,75
Slovenia	12,50
Slovakia	38,35

ARTICLE 6

With a view to reallocating any non-committed available funds to high priority projects of any Beneficiary State, a review shall be carried out in November 2011 and again in November 2013.

ARTICLE 7

1. The financial contribution provided for in this Protocol shall be closely coordinated with the bilateral contribution from Norway provided for by the Norwegian Financial Mechanism.
2. In particular, the EFTA States shall ensure that the application procedures and implementation modalities are essentially the same for both financial mechanisms referred to in the previous paragraph.
3. Any relevant changes in the European Union's cohesion policies shall be taken into account, as appropriate.

ARTICLE 8

The following shall apply to the implementation of the EEA Financial Mechanism:

1. The highest degree of transparency, accountability and cost efficiency shall be applied in all implementation phases, as well as principles of good governance, sustainable development and gender equality. The objectives of the EEA Financial Mechanism shall be pursued in the framework of close cooperation between the Beneficiary States and the EFTA States.
2. In order to ensure efficient and targeted implementation, and taking into account national priorities, the EFTA States shall conclude with each Beneficiary State a Memorandum of Understanding that shall set out the multi-annual programming framework and the structures for management and control.
3. After having concluded the Memorandum of Understanding, the Beneficiary State shall submit programme proposals. The EFTA States will appraise and approve the proposals and conclude grant agreements with the Beneficiary States for each programme. The level of detail in the programme shall take into account the size of the contribution. Within programmes, projects may in exceptional cases be specified, including conditions for their selection, approval and control, in accordance with the provisions for implementation referred to in paragraph 8.

The implementation of the agreed programmes shall be the responsibility of the Beneficiary States. The Beneficiary States shall provide for an appropriate management and control system in order to ensure a sound implementation and management system.

4. Partnerships shall, where appropriate, be applied in the preparation, implementation, monitoring and evaluation of the financial contribution in order to ensure broad participation. Partners may include, *inter alia*, local, regional and national levels, as well as the private sector, civil society and social partners in the Beneficiary States and the EFTA States.
5. The control system provided for the management of the EEA Financial Mechanism shall ensure the respect of the principle of sound financial management. The EFTA States may carry out controls according to their internal requirements. The Beneficiary States shall provide all necessary assistance, information and documentation to this effect. The EFTA States may suspend financing and require recovery of funds in the case of irregularities.
6. Any project under the multi-annual programming framework in the Beneficiary States may be implemented in cooperation between entities based in the Beneficiary States and in the EFTA States, in accordance with the applicable rules on public procurement.
7. The management costs of the EFTA States shall be covered by the overall amount referred to in Article 2 and will be specified in the provisions for the implementation referred to in paragraph 8.

8. The EFTA States shall establish a Committee for the overall management of the EEA Financial Mechanism. Further provisions for the implementation of the EEA Financial Mechanism will be issued by the EFTA States after consultation with the Beneficiary States. The EFTA States shall endeavour to issue these provisions before the signing of the Memoranda of Understanding.

ARTICLE 9

At the end of the five-year period and without prejudice to the rights and obligations under the Agreement, the Contracting Parties will, in the light of Article 115 of the Agreement, review the need to address economic and social disparities within the European Economic Area.

AGREEMENT
BETWEEN THE KINGDOM OF NORWAY
AND THE EUROPEAN UNION
ON A NORWEGIAN FINANCIAL MECHANISM
FOR THE PERIOD 2009 – 2014

ARTICLE 1

The Kingdom of Norway undertakes to contribute for a five year period to the reduction of economic and social disparities in the European Economic Area, and to the strengthening of its relations with the Beneficiary States, through a separate Norwegian Financial Mechanism in the priority sectors listed in Article 3.

ARTICLE 2

The total amount of the financial contribution provided for in Article 1 shall be EUR 800 million, to be made available for commitment in annual tranches of EUR 160 million over the period running from 1 May 2009 to 30 April 2014, inclusive.

ARTICLE 3

The financial contributions shall be available in the following priority sectors:

- (a) Carbon Capture and Storage;
- (b) Green Industry Innovation;
- (c) Research and Scholarship;

- (d) Human and Social Development;
- (e) Justice and Home Affairs;
- (f) Promotion of Decent Work and Tripartite Dialogue.

The allocation target for priority sector (a) shall be at least 20 percent. Due account will be taken of the different needs and the size of each Beneficiary State.

One per cent of the allocation to each Beneficiary State shall be set aside for a fund for the Promotion of Decent Work and Tripartite Dialogue, to be operated by an entity designated by the Kingdom of Norway, and in accordance with the distribution key referred to in Article 5.

ARTICLE 4

The contribution from the Kingdom of Norway shall not exceed 85 percent of programme cost. It may in special cases be up to 100 percent of programme cost.

The applicable rules on state aid shall be complied with.

The European Commission shall screen all programmes and any substantial change in a programme for their compatibility with the European Union's objectives.

The responsibility of the Kingdom of Norway for the projects is limited to providing funds according to the agreed plan. No liability to third parties will be assumed.

ARTICLE 5

The funds shall be made available to the following Beneficiary States: Bulgaria, Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania, Slovenia and Slovakia, in accordance with the following distribution:

Beneficiary State	Funds (million EUR)
Bulgaria	48,00
Cyprus	4,00
Czech Republic	70,40
Estonia	25,60
Latvia	38,40
Lithuania	45,60
Hungary	83,20
Malta	1,60
Poland	311,20
Romania	115,20
Slovenia	14,40
Slovakia	42,40

ARTICLE 6

With a view to reallocate any non-committed available funds to high priority projects of any Beneficiary State, a review shall be carried out in November 2011 and again in November 2013.

ARTICLE 7

The financial contribution provided for in Article 1 shall be closely coordinated with the contribution from the EFTA States provided for by the EEA Financial Mechanism.

In particular, the Kingdom of Norway shall ensure that the application procedures and implementation modalities are essentially the same for both financial mechanisms referred to in the previous paragraph.

Any relevant changes in the European Union's cohesion policies shall be taken into account, as appropriate.

ARTICLE 8

The following shall apply to the implementation of the Norwegian Financial Mechanism:

1. The highest degree of transparency, accountability and cost efficiency shall be applied in all implementation phases, as well as objectives and principles of good governance, sustainable development and gender equality. The objectives of the Norwegian Financial Mechanism shall be pursued in the framework of close co-operation between the Beneficiary States and the Kingdom of Norway.
2. In order to ensure efficient and targeted implementation, and taking into account national priorities, the Kingdom of Norway shall conclude with each Beneficiary State a Memorandum of Understanding that shall set out the multi-annual programming framework and the structures for management and control.
3. After having concluded the Memorandum of Understanding, the Beneficiary States shall submit programme proposals. The Kingdom of Norway will appraise and approve the proposals and conclude grant agreements with the Beneficiary States for each programme. The level of detail in the programme shall take into account the size of the contribution. Within programmes, projects may in exceptional cases be specified, including conditions for their selection, approval and control, in accordance with the provisions for implementation referred to in paragraph 8.

The implementation of the agreed programmes shall be the responsibility of the Beneficiary States. The Beneficiary States shall provide for an appropriate management and control system in order to ensure a sound implementation and management system. The Beneficiary State and the Kingdom of Norway may agree, in specific circumstances, that programmes be operated by any entity appointed by them.

4. Partnerships shall, where appropriate, be applied in the preparation, implementation, monitoring and evaluation of the financial contributions in order to ensure broad participation. Partners may include, *inter alia*, local, regional and national levels, as well as the private sector, civil society and social partners in the Beneficiary States and the Kingdom of Norway.

5. The control system provided for the management of the Norwegian Financial Mechanism shall ensure the respect of the principle of sound financial management. The Kingdom of Norway may carry out controls according to internal requirements. The Beneficiary States shall provide all necessary assistance, information and documentation to this effect. The Kingdom of Norway may suspend financing and require recovery of funds in the case of irregularities.

6. Any project under the multi-annual programming framework in the Beneficiary States may be implemented in cooperation between entities based in the Beneficiary States and in the Kingdom of Norway and in accordance with the applicable rules on public procurement.

7. The management costs of the Kingdom of Norway shall be covered by the overall amount referred to in Article 2 and will be specified in the provisions for the implementation referred to in paragraph 8.

8. The Kingdom of Norway, or an entity appointed by it, shall be responsible for the overall management of the Norwegian Financial Mechanism. Further provisions for the implementation of the Norwegian Financial Mechanism will be issued by the Kingdom of Norway after consultation with the Beneficiary States. The Kingdom of Norway shall endeavour to issue these provisions before the signing of the Memoranda of Understanding.

ARTICLE 9

This Agreement shall be ratified or approved by the Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the first day of the second month after the last instrument of ratification or approval has been deposited.

Pending the completion of the procedures referred to in paragraphs 1 and 2, this Agreement shall be applied on a provisional basis as from the first day of the first month following the deposit of the last notification to this effect.

ARTICLE 10

This Agreement, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Norwegian languages, the text in each of these languages being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Parties to this Agreement.

Done at Brussels, this ... of 2010.

For the European Union

For the Kingdom of Norway

ADDITIONAL PROTOCOL TO THE AGREEMENT
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THE REPUBLIC OF ICELAND

THE EUROPEAN UNION

and

ICELAND

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Iceland signed on 22 July 1972, and to the existing arrangements for trade in fish and fishery products between Iceland and the Community,

HAVING REGARD to the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession 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 to the European Union, and in particular article 2 thereof,

HAVING REGARD to the Additional Protocol to the Agreement between the European Economic Community and Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union, and in particular article 2 thereof,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

ARTICLE 1

The special provisions applicable to imports into the European Union of certain fish and fishery products originating in Iceland are laid down in this Protocol and the Annex thereto. The annual duty free tariff quotas are provided for in the Annex to this Protocol. These tariff quotas shall cover the period from 1 May 2009 to 30 April 2014. The quota levels shall be reviewed by the end of that period taking into account all relevant interests.

ARTICLE 2

The volumes of the duty free tariff quotas for the first 12 month period 1 May 2009 to 30 April 2010 will be allocated to the period 1 May 2010 to 30 April 2011. Should the volumes of the tariff quotas for the tariff quota period from 1 May 2010 to 30 April 2011 not be fully exhausted, the remaining volumes shall be carried over to the tariff quota period from 1 May 2011 to 30 April 2012. For this purpose drawings on the tariff quotas applicable from 1 May 2010 to 30 April 2011 shall be stopped on the second working day in the Commission following 1 September 2011. On the following working day, the unused balances of these tariff quotas shall be made available under the corresponding tariff quota applicable from 1 May 2011 to 30 April 2012. From that date onwards no retroactive drawings and no returns shall be possible on the particular tariff quotas applicable from 1 May 2010 to 30 April 2011.

ARTICLE 3

This Protocol shall be ratified or approved by the Contracting Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the first day of the second month after the last instrument of ratification or approval has been deposited.

Pending the completion of the procedures referred to in paragraphs 1 and 2, this Protocol shall be applied on a provisional basis as from the first day of the third month following the deposit of the last notification to this effect.

ARTICLE 4

This Protocol, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Icelandic languages, the text in each of these languages being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Parties to this Agreement.

Done at Brussels, this ... of 2010

For the European Union

For Iceland

SPECIAL PROVISIONS REFERRED TO IN ARTICLE 1 OF THE PROTOCOL

The Union shall open the following annual duty free tariff quotas for products originating in Iceland, in addition to existing tariff quotas:

CN code	Description of products	Annual (1.5-30.4) tariff quota volume in net weight, unless otherwise specified
0303 51 00	Herrings of the species <i>Clupea harengus</i> and <i>Clupea pallasii</i> , frozen, excluding livers and roes ¹ ,	950 tonnes
0306 19 30	Frozen Norway lobsters (<i>Nephrops norvegicus</i>)	520 tonnes
0304 19 35	Fillets of redfish (<i>Sebastes</i> spp.), fresh or chilled	750 tonnes

¹ The benefit of the tariff quota shall not be granted to goods declared for release for free circulation during the period 15 February to 15 June.

ADDITIONAL PROTOCOL TO THE AGREEMENT
BETWEEN THE EUROPEAN ECONOMIC COMMUNITY
AND THE KINGDOM OF NORWAY

THE EUROPEAN UNION

and

THE KINGDOM OF NORWAY

HAVING REGARD to the Agreement between the European Economic Community and the Kingdom of Norway signed on 14 May 1973 and to the existing arrangements for trade in fish and fishery products between Norway and the European Union,

HAVING REGARD to the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, and in particular Article 2 thereof,

HAVING REGARD to the Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union, and in particular Article 2 thereof,

HAVE DECIDED TO CONCLUDE THIS PROTOCOL:

ARTICLE 1

The special provisions applicable to imports into the European Union of certain fish and fishery products originating in Norway are laid down in this Protocol and the Annex thereto.

The annual duty free tariff quotas are provided for in the Annex to this Protocol. These tariff quotas shall cover the period from 1 May 2009 to 30 April 2014. The quota levels shall be reviewed by the end of that period taking into account all relevant interests.

ARTICLE 2

The tariff quota levels that should have been opened for Norway as from 1 May 2009 until the implementation of this Protocol shall be divided in equal parts and allocated on a yearly basis for the remaining part of the period of application of this Protocol.

ARTICLE 3

Norway shall take the necessary steps to ensure the continuation of the regulation laid down by Royal Decree of 21 April 2006 allowing for free transit of fish and fishery products landed in Norway from vessels flying the flag of a Member State of the European Union. This regulation shall apply for the period referred to in Article 1 once the annual tariff quotas have been implemented.

ARTICLE 4

The rules of origin applicable for the tariff quotas listed in the Annex to this Protocol shall be those set out in Protocol 3 to the Agreement between the European Economic Community and the Kingdom of Norway signed on 14 May 1973.

ARTICLE 5

This Protocol shall be ratified or approved by the Parties in accordance with their own procedures. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

It shall enter into force on the first day of the second month after the last instrument of ratification or approval has been deposited.

Pending the completion of the procedures referred to in paragraphs 1 and 2, this Protocol shall be applied on a provisional basis as from the first day of the third month following the deposit of the last notification to this effect.

ARTICLE 6

This Protocol, drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Italian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Norwegian languages, the text in each of these languages being equally authentic, shall be deposited with the General Secretariat of the Council of the European Union, which will remit a certified copy to each of the Parties.

Done at Brussels this ... of 2010

For the European Union

For the Kingdom of Norway

SPECIAL PROVISIONS REFERRED TO IN ARTICLE 1 OF THE PROTOCOL

In addition to the existing duty free tariff quotas, the European Union shall open the following annual duty free tariff quotas for products originating in Norway:

CN code	Description of products	Annual (1.5-30.4) tariff quota volume in net weight unless otherwise specified
0303 29 00	Other frozen salmonidae	2 000 tonnes
0303 51 00	Herrings of the species <i>Clupea harengus</i> and <i>Clupea pallasii</i> , frozen, excluding livers and roes ¹	45 800 tonnes
0303 74 30	Mackerel of the species <i>Scomber scombrus</i> and <i>Scomber japonicus</i> , frozen, whole, excluding livers and roes ²	39 800 tonnes
0303 79 98	Other fish, frozen, excluding livers and roes	2 200 tonnes

¹ The benefit of the tariff quota shall not be granted to goods declared for release for free circulation during the period 15 February to 15 June.

² The benefit of the tariff quota shall not be granted to goods declared for release for free circulation during the period 15 February to 15 June.

	CN code	Description of products	Annual (1.5-30.4) tariff quota volume in net weight unless otherwise specified
ex	0304 29 75 0304 99 23	Frozen filets of herring of the species <i>Clupea harengus</i> and <i>Clupea pallasii</i> Frozen flaps of herring of the species <i>Clupea harengus</i> and <i>Clupea pallasii</i> (butterflies) ¹	67 600 tonnes
ex	1605 20 10	Shrimps and prawns, peeled and frozen, prepared or preserved	7 000 tonnes
ex	1605 20 91		
ex	1605 20 99		
ex	1604 12 91	Herring, spiced and/or vinegar cured, in brine ²	3 000 tonnes net drained weight
ex	1604 12 99		

¹ The benefit of the tariff quota shall not be granted to goods of CN code 0304 99 23 declared for release for free circulation during the period 15 February to 15 June.

² This tariff quota shall be increased to 4 000 tonnes net drained weight in the period 1 May 2010 to 30 April 2011, to 5 000 tonnes net drained weight in the period 1 May 2011 to 30 April 2012, and to 6 000 tonnes net drained weight in the period 1 May to 30 April in each subsequent 12 month period.