



LIECHTENSTEIN-INSTITUT

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# Do we need a reform of the EEA Agreement? An initial brain-storming

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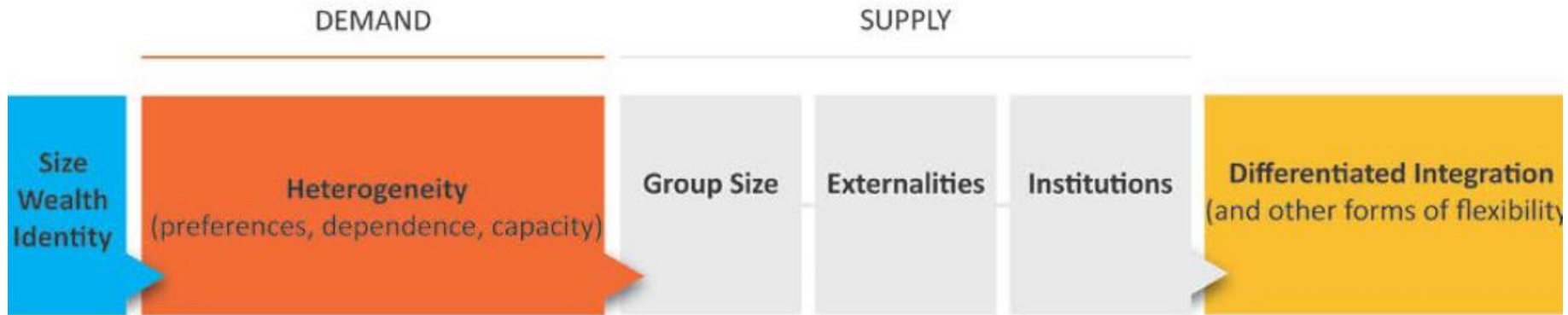
# Current developments

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- Recurrent two-pillar issues
  - Increasing international interest in the EEA
  - Increasing domestic politicization of the EEA
  - Brexit and the search for a new model of external DI
  - Swiss-EU umbrella agreement
  - Different concepts for Post-Brexit EU
- ➔ After Brexit there will be (again) the time to take stock of the EEA, its shortcomings, benefits and alternatives.



# What impact can Brexit have?



- Will Brexit mark a critical juncture for external DI?
- Will it affect the cooperation between the EU and the EEA EFTA states as well as among the EEA EFTA states?
- Will institutionalized norms change?
- Will the EU soften its principles for the integration of non-member states?
- Will the EEA remain the benchmark of external DI?
- Will the adaptability of the EEA come to an end?
- Can the EEA's institutional framework keep its legitimacy?



# Different purposes of a reform

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- A reform of the EEA Agreement may ...
  - ... address the current malfunctions of the EEA;
  - ... integrate other member states (full or just for institutions);
  - ... integrate other policies (new policies or merger with other agreements);
  - ... address the malfunctions of European integration (need for more DI).
- In a wider context: reform of the EEA Agreement could also be limited to changes in the EEA EFTA states that ...
  - ... change their constitutional setting of European integration.
  - ... provides them more resources to administrate EEA matters.



# Different purposes means different scope

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- Change of the institutional practice
- Change of decision-making procedures within each pillar
- Adaptations to the main part of the EEA Agreement or to the Surveillance and Court Agreement
- New agreement of external DI
- Merger of external and internal DI



# Topics of a reform at the EEA level: Efficiency and legitimacy

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- Streamlining decision-making in the EU and EFTA pillar
- Obligation to speak with a single voice
- Access to the EU policy making
  - Access to EU Council and EU Parliament
  - Decision-making power of the EEA EFTA states
- Fundamental principles of EEA law
  - Direct effect, quasi direct effect, no direct effect?
  - Precedence, etc.
- Wording of Article 102
  - Who can trigger it on EU side?
  - What are its consequences?



**Thank you very much  
for your attention!**

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