

draft joint committee decisions and that according to well-tested and standard-form models. And let us remember: it is the Joint Committee and its five sub-committees, rather than the EEA Council (which has its 23rd session on 14 June), which is the practical linchpin in the whole exercise. On the Union side, it is the Commission which, in the main, puts forward the Community position on the decisions to be taken. Where the Council is seized – and we can note that any substantial European Parliament involvement in the process is rather modest – issues are dealt with in the EFTA Group and passed straight up to Council for decision as «A» points, that is, without debate. In a nutshell, then: efficiency; no fuss; problems avoided.

Substance

In the third place, issues of substance are there to be addressed and, if there are any problems, they are solved. Although these are now a bit long in the tooth, I still like the two examples of the «Financial Mechanism» in Protocol 38 – money paid by the EFTA/EEA states for the «privilege» of participating in the internal market – and «Transitional periods on the free movement of persons (into) Liechtenstein» in Protocol 15. The texts seemed to suggest that, in both cases, the system would come to an end after a transitional period and could not be extended without the Agreement itself being modified, following constitutional procedures in all the EEA states – not a viable option! The «astuce» found – not, if I might say so, without a touch of brilliance! – was to «shift» both issues into parts of the Agreement which could be modified by a «simple» joint committee decision: perhaps not an entirely «homogenous» but, certainly, a «dynamic» approach!

Brakes

In the fourth place, we may note that, just as the safeguard «brake» in the Agreement is only applied *in extremis*, recognizing the equivalence of legislation, or provisionally suspending a part of the Agreement, or turning to the EFTA Court for this specific purpose, represent further brakes which are not used in practice.