

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1.1

Objectives

1. The Parties hereby establish a free trade area in accordance with the provisions of this Agreement, which is based on trade relations between market economies and on the respect for principles of democracy and the rule of law, and respect for human rights, with a view to spurring prosperity and sustainable development.
2. The objectives of this Agreement are:
 - (a) to facilitate and liberalise trade in goods, in conformity with Article XXIV of the General Agreement on Tariffs and Trade 1994;
 - (b) to liberalise trade in services, in conformity with Article V of the General Agreement on Trade in Services;
 - (c) to mutually enhance investment opportunities;
 - (d) to prevent, eliminate or reduce unnecessary technical barriers to trade;
 - (e) to protect human, animal or plant life or health while facilitating trade and ensuring that the Parties' sanitary and phytosanitary measures do not create unnecessary barriers to trade;
 - (f) to promote open and fair competition in their economies, particularly as it relates to the economic relations between the Parties;
 - (g) to achieve further liberalisation on a mutual basis of the government procurement markets of the Parties;
 - (h) to ensure adequate and effective protection of intellectual property rights, in accordance with international standards;
 - (i) to develop international trade in such a way as to contribute to the objective of sustainable development, and to ensure that this objective is integrated and reflected in the Parties' trade relations; and
 - (j) to contribute to the harmonious development and diversification of world trade.

ARTICLE 1.2

Territorial Application

1. Unless otherwise specified, this Agreement applies to:
 - (a) the land territory, internal waters and the territorial sea of a Party, and the airspace above the territory of a Party, in accordance with international law;
 - (b) the exclusive economic zone and the continental shelf of a Party, in accordance with international law; and
 - (c) the Bailiwicks of Guernsey and Jersey and the Isle of Man (including their airspace and the territorial sea adjacent to them), territories for whose international relations the United Kingdom is responsible, as regards:
 - (i) Section 2.1 (General Provisions on Trade in Goods);
 - (ii) Annex I (Rules of Origin);
 - (iii) Section 2.2 (Technical Barriers to Trade);
 - (iv) Section 2.3 (Sanitary and Phytosanitary Measures); and
 - (v) Section 2.4 (Customs and Trade Facilitation).
2. This Agreement shall not apply to the Norwegian territory of Svalbard, except for trade in goods.

ARTICLE 1.3

Territorial Extension

1. This Agreement, or specified provisions of this Agreement, may be extended to any territories for whose international relations the United Kingdom is responsible, as may be agreed between the United Kingdom and the other Parties to this Agreement.
2. At any time after this Agreement is extended to a territory for whose international relations the United Kingdom is responsible in accordance with paragraph 1, the United Kingdom may provide written notice to the Depositary that this Agreement shall no longer apply to a territory for whose international relations the United Kingdom is responsible. The notification shall take effect 12 months after the date on which the notification is received by the Depositary, unless the Parties agree otherwise.

ARTICLE 1.4

Trade and Economic Relations Governed by this Agreement

1. This Agreement applies to the trade and economic relations between, on the one side, the individual EEA EFTA States and, on the other side, the United Kingdom, but not to the trade and economic relations between individual EEA EFTA States, unless otherwise provided in this Agreement.
2. The provisions in this Agreement covered by the Additional Agreement of 11 February 2019 between the United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation and the Principality of Liechtenstein extending to the Principality of Liechtenstein certain provisions of the Trade Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation, the Treaty of 29 March 1923 between Switzerland and Liechtenstein on Accession of the Principality of Liechtenstein to the Swiss Customs Area (Customs Treaty) and the Treaty of 22 December 1978 between the Swiss Confederation and the Principality of Liechtenstein on Patent Protection shall not apply to Liechtenstein.
3. In case of any inconsistencies between this Agreement and an agreement referred to in paragraph 2, the latter shall prevail.

ARTICLE 1.5

Relation to Other International Agreements

The Parties confirm their rights and obligations under the WTO Agreement and the other agreements negotiated thereunder to which they are a party, and any other international agreement to which they are a party.

ARTICLE 1.6

Fulfilment of Obligations

1. Each Party shall take any general or specific measures required to fulfil its obligations under this Agreement.
2. Each Party shall ensure the observance of all obligations and commitments under this Agreement by its respective central, regional and local governments and authorities, and by non-governmental bodies in the exercise of governmental powers delegated to them by central, regional and local governments or authorities.

ARTICLE 1.7

Transparency

1. The Parties shall publish, or otherwise make publicly available, their laws, regulations, judicial decisions, administrative rulings of general application as well as their respective international agreements, that may affect the operation of this Agreement.
2. The Parties shall promptly respond to specific questions and provide, upon request, information to each other on matters referred to in paragraph 1.
3. Each Party shall ensure that its administrative proceedings applying its laws, regulations, judicial decisions or administrative rulings of general application to a particular person, good or service of another Party in a specific case:
 - (a) endeavour to provide reasonable notice to persons that are directly affected by a proceeding, in accordance with domestic procedures, when a proceeding is initiated, including a description of the nature of the proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of the issues in controversy;
 - (b) provide a person referred to in subparagraph (a) a reasonable opportunity to present facts and arguments in support of its position prior to any final administrative action, when permitted by time, the nature of the proceeding, and the public interest; and
 - (c) are conducted in accordance with its law.
4. Each Party shall establish or maintain judicial, quasi-judicial or administrative tribunals or procedures for the purpose of the prompt review of final administrative actions regarding matters covered by this Agreement. Each Party shall ensure that its tribunals carry out procedures for appeal or review in a non-discriminatory and impartial manner; that they are impartial and are independent of the office or authority entrusted with administrative enforcement; and that they do not have any substantial interest in the outcome of the matter.
5. Each Party shall ensure that, in any tribunals or procedures referred to in paragraph 4, the parties to the proceeding are provided with a reasonable opportunity to support or defend their respective positions.
6. Nothing in this Agreement shall require a Party to disclose confidential information, the disclosure of which would impede law enforcement, or otherwise be contrary to the public interest, or which would prejudice the legitimate commercial interests of any economic operator.

7. In case of any inconsistency between this Article and provisions relating to transparency in other parts of this Agreement, the latter shall prevail to the extent of the inconsistency.