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I. Introduction

The Handbook of EEA Law is the first comprehensive "supranational" oeuvre since *Sven Norberg* and his co-authors published their Commentary on the EEA Agreement in 1993. I am still full of admiration for the courage these people had. They knew about the law on the books and the history of the EEA Agreement, namely what its fathers and mothers had on their mind during the negotiations. But there was no law in action at the time in the EFTA pillar. And the judicial acquis, the relevant case law of the ECJ as it stood before the signature of the EEA Agreement on 2 May 1992, could not be transposed mechanically to EEA law. To a large extent, the commentators from 1993 were compelled to navigate by the stars.

In contrast, the authors of today's handbook have had the benefit of 22 years of practical experience. Experience on all levels of EEA law in action: On the legislative level (ESA Court Committee, input of the Member States), the enforcement level (ESA and Commission) and the judicial level (EFTA Court and ECJ).

II. Purpose and structure

The handbook is primarily intended to give practitioners and legal scholars a real understanding of the subject matter of the EEA Agreement, its nuances, and the role it plays in the national legal orders of Iceland, Liechtenstein and Norway. A strong focus is put on the jurisprudence of the two EEA courts and in particular that of the EFTA Court.

The American comedian *David Della Rocco* has famously said:

> *"There's two kinds of people in this world when you boil it all down. You got your talkers and you got your doers. Most people are just talkers, all they do is talk. But when it is all said and done, it's the doers that change this world."*

The majority of the handbook's authors are doers. Each chapter has been written by a judge, noted practitioner or eminent academic in their respective fields from across the EEA and beyond.

Part I introduces the main features of the EEA Agreement and sets the Agreement into its historical context.

Part II provides an overview of the decision-making procedure in the European Economic Area, from the creation of EU law to incorporation into the EEA Agreement and implementation in the EEA/EFTA States.

Part III describes the organs of the EFTA pillar of the EEA: the EFTA Surveillance Authority and the EFTA Court. It illustrates the relationship between the two-sister EEA judicial institutions: the EFTA Court and the Court of Justice of the European Union, in terms of judicial dialogue between the judges and advocates general, and the cross-pollination of jurisprudence.

Parts IV, V and VI look at the EFTA pillar from the perspectives of the national authorities, national courts, and practising Bars of Iceland, Liechtenstein and Norway.

Let me open a parenthesis here:

In the past 20 years a lot of ink has been spilled in the EEA/EFTA States on institutional and constitutional issues. The usual EEA law discourse has been dominated by questions of legitimisation, distribution of powers, institutions, sovereignty etcetera.

The Court has thereby, in particular in the dualist Nordic countries, been under a general suspicion of stealing Member States' sovereignty in the name of homogeneity.

The overwhelming majority of these questions have been resolved. I am not saying that they have been unimportant. But I am reminded a little bit of what the famous German legal philosopher and later Minister of Justice in the Weimar Republic *Gustav Radbruch* stated in 1904: "Sciences that have to busy themselves with their own methodology are sick sciences." This was an exaggeration. But I would subscribe to the sentence that sciences that most of the time deal with their own methodology are sick.

I think we all agree that it is time to move on and to concentrate on answering the question: Where is the beef?

The beef of the EEA is single market law, the law that benefits the main protagonists of our agreement: manufacturers, workers, consumers, dealers, financiers, and investors.

Admittedly this may be more challenging for all of us than to discuss statements such as the following one:

> "Nothing in the EEA Agreement gives basis for concluding that the homogeneity objective is so strong that the EFTA States can indirectly be said to have promised to conform to whatever unilateral steps the other Contracting parties might take. On the contrary, the Agreement rests on the principle that all changes, regardless of whether they relate to primary or secondary EC law, can only bind an EFTA State in so far as that State agrees to the new rules."

I am tempted to add "Amen".

Parts VII to XII of the handbook comprehensively address the material breadth of the EEA Agreement, the beef. In detail:

General principles and the general prohibition of discrimination on grounds of nationality;

Fundamental freedoms;

Competition law;

State aid law;

Public procurement law;

The twin principles of transparency and openness and their prime application in the form of access to documents;

Further areas of economic law are being dealt with such as

Financial services law;

Energy law;

Gambling law;

IP law;

Tax law;

Mutual administrative and legal assistance;

The law of natural and economic resources;

Social protection and public health;

The precautionary principle.

III. Thanks

Let me first thank the contributors. I am obviously biased, but I am confident that readers will share my view that they have done an excellent job.

I am grateful to today's speakers, President *Sven Svedman* from the EFTA Surveillance Authority and Judge *Ian Forrester* from the General Court of the European Union.

My thanks go to the EFTA Secretariat for hosting this book launch event and to Deputy Secretary General *Dag Wernø Holter* for having welcomed us.

As always when I take an initiative, it is first and foremost my cabinet that has to suffer. I am indebted to my head of cabinet *Dr Philipp Speitler* and my PA *Kerstin Schwiesow*.

My greatest thanks go, however, to my legal secretary *Michael-James Clifton* without whose tireless commitment the oeuvre would not have seen the light of the day.

My thanks also go to our publishers, Springer, and to their Editor, *Anke Seyfried*, who is here with us this evening, for having efficiently produced this splendid tome.

IV. Final remarks

In my view the goal of the institutions of the EFTA pillar must be twofold:

- To enforce and uphold the law in the EFTA pillar,

- But also to contribute to the development of the law in the EU pillar.

In recent times, the Court has tried to do this in the fields of judicial review, the definition of the relevant image of consumer in the internet age, access to documents, the re-use of public sector information, the significance of the avoidance of moral hazard in financial market law or the right of audience of in-house counsel.

The past 22 years have shown that homogeneity cannot be understood as a snapshot in time. It is a process-oriented concept. And: the one-sided written homogeneity rules have to a large extent been replaced by judicial dialogue.

Let me conclude with a general, but in my view important observation:

The classical criticism of the EEA Agreement is that the EFTA States do not participate in decision-making. Unsurprisingly, this complaint is mostly forwarded by politicians. They resent that they are prevented from what they think of as playing with the big boys and girls.

First of all this lament which goes back to 1992 overlooks that the EFTA States have kept their sovereignty with regard to the common policies.

Second, my feeling after quite some time on the EFTA bench is that this criticism is questionable in two respects:

- It probably overestimates the possibilities of small States to influence the decision-making in a European Union of 28 States;

- At the same time, it obviously underestimates the importance of having an own surveillance body and an own court and thereby the possibilities of ESA and the EFTA Court to make their own contribution to the development of the law in the whole EEA.

As I always tell my students: Norms matter, but people matter even more.

I thank you for your attention.