
Editorial

Welcome EEA

The EEA Agreement, as modified by the Protocol of 17 March, 1993 came into force on 1 January, 1994, thereby creating the single largest trading block in the world, embracing a population of some 372 million people. NAFTA, which came into force at the same time covers a marginally smaller population (some 367 million). Whilst the EEA arrangements constitute a self-contained package, they should facilitate greatly the negotiations for the accession of Norway, Finland, Sweden and Austria to the European Union itself. They may also form a model for the East European countries which have concluded Europe Agreements with the European Community and who wish to take further steps with a view to membership of the European Union prior to a formal application for membership.

A development of which competition lawyers will need to be aware is the modification of Forms A/B and CO to take account of the entry into force of the EEA. Form A/B, it will be remembered, deals with notification of agreements with a view to negative clearance or an exemption; form CO with mergers notified under the Merger Control Regulation. From 1 January, 1994 the Commission will examine not only competition affairs having an effect on inter-State trade within the Community, but also those having an effect between the Community States and one or more of the EEA non-Community States. For competition affairs which solely concern trade between Finland, Norway, Sweden, Iceland and Austria the EEA Surveillance Authority will be responsible. As far as mergers are concerned, the general rule is that the EEA Surveillance Authority will decide on cases where the turnover of the undertakings concerned in the EEA non-Community States is one third or more of their turnover in the EEA territory as a whole, whereas the Commission

will decide in all other cases, as well as in cases with a Community dimension – those which affect trade between Member States of the Community (as opposed to trade between one of those States and the EEA non-Community States). Forms A/B and CO have been modified so that they cover all these situations. In accordance with the principle of co-operation between the Commission and the EEA Surveillance Authority, the Commission will transmit appropriate cases to that Authority.

First *Lustrum*

With this issue this *Review* enters its fifth year and thus celebrates its first *lustrum*. It continues to develop apace and all those involved have worked hard to achieve and maintain a regular stream of articles which will be of interest to practitioners as well as to those involved in academic circles. A number of distinguished lectures have been printed in the *Review*, and the present policy of combining information and critical comment in contributions will continue. Indeed, particularly in the field of business law, critical contributions discussing the reasoning behind legislation and judgments are especially valuable, pointing out the inconsistencies in the latter and the frequent lack of clarity in the former. This *Review* will continue to discuss these and other aspects of developments in European business law and to provide a forum for discussion of questions of considerable practical importance in the field. The Editors welcome submissions and ideas from readers.

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