

Takeover of the European Union law into the legal orders of the European Free Trade Association Member States

Abstract

This thesis deals with the European Free Trade Association Member States' approaches to the European integration and examines primarily its legal aspects. The four states, consisting of Iceland, Lichtenstein, Norway and Switzerland, endeavour especially to participate in the EU's internal market, what they reach by two different tools. Meanwhile to the three first-mentioned states were e.g. the so-called "Four Freedoms" of the single market extended through the Agreement on the European Economic Area (*EEA*), which apart from these countries comprises of EU Member States, Switzerland took its own, specific path of sectoral bilateral agreements, which it concluded with the European Union, eventual also with EU countries.

The thesis first deals with the history and functioning of the EFTA, which is common to all four states and then analyses at first the EEA law model and afterwards the Swiss bilateral agreements, evaluating both regimes in relation to each other. The thesis in both cases of integration shows the scope of cooperation, its institutional framework and also the procedures, through which the EFTA States take over the EU law. It also reveals whether and in what ways the EFTA States can participate in the EU legislative process, from which arise the rules, that they must respect in the interest of the proper functioning of the internal market. Last but not least, it also deals with the mechanisms through which the EFTA States financially contribute to the correction of economic and social imbalances between European regions, which is sometimes referred to as an entrance fee to the internal market.

The thesis then compares both the regimes of European integration, both with each other and with the integration mainstream, which is the active membership in the EU. It comes to clear conclusion, that the EEA law, which it also considers to be an independent legal order, represents a legally and institutionally mature, flexible and, in short, tolerably functioning system, which however is not the case of Swiss bilateral treaties, which are based on the traditional concepts of the public international law. Especially in the case of Swiss bilateral agreements it therefore also offers considerations regarding possible future development scenarios, as it does not consider those, in their current form, to be sustainable in the long term.

Keywords:

EEA law, Swiss-EU bilateral agreements, European integration without EU membership.