

19. European Free Trade Association (EFTA)

Extracts from the fifth report on the provisional application of treaties, by Juan Manuel Gómez-Robledo, Special Rapporteur:²⁹⁶

48. EFTA ... has a wealth of practice on the subject, and in general the relevant provisions of the treaties concluded under its auspices are similarly worded. The annex to the present report contains a table reproducing the relevant articles and the titles of the treaties containing them.

Annex

Provisional application of treaties negotiated within the European Free Trade Association (EFTA)

*Free Trade Agreement
between the EFTA
States and Israel, signed
17 September 1992*

Article 33 (Entry into force)

1. This Agreement shall enter into force on 1 January 1993 in relation to those Signatory States which by then have deposited their instruments of ratification or acceptance with the Depository, provided that Israel is among the States that have deposited their instruments of ratification or acceptance.
2. In relation to a Signatory State depositing its instrument of ratification or acceptance after 1 January 1993, this Agreement shall enter into force on the first day of the second month following the deposit of its instrument, provided that Israel is among the States that have deposited their instruments of ratification or acceptance.
3. Any Signatory State may already at the time of signature declare that, during an initial phase, it shall apply the Agreement provisionally, if the Agreement cannot enter into force in relation to that State by 1 January 1993, provided that in relation to Israel the Agreement has entered into force.

*Interim Agreement
between the EFTA
States and the Palestine
Liberation Organiza-
tion for the benefit of the
Palestinian Authority,
signed 30 November
1998*

Article 39 (Entry into force)

1. This Agreement shall enter into force on 1 July 1999 in relation to those Signatories which by then have deposited their instruments of ratification or acceptance with the Depository, provided that the Palestinian Authority has deposited its instrument of ratification or acceptance.
2. In relation to a Signatory depositing its instrument of ratification or acceptance after 1 July 1999, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument, provided that in relation to the Palestinian Authority this Agreement enters into force at the latest on the same date.
3. Any Signatory may already at the time of signature declare that, during an initial phase, it shall apply this Agreement provisionally if this Agreement cannot enter into force in relation to that Signatory by 1 July 1999. For an EFTA State provisional application is only possible provided that in relation to the Palestinian Authority this Agreement has entered into force, or that the Palestinian Authority is applying this Agreement provisionally.

²⁹⁶ Doc. A/CN.4/718 (2018).

*Free Trade Agreement
between the EFTA States
and the former Yugoslav
Republic of Macedonia,
signed 19 June 2000*

Article 40 (Entry into force)

1. This Agreement shall enter into force on 1 January 2001 in relation to those Signatories which by then have deposited their instruments of ratification or acceptance with the Depositary, provided that Macedonia has deposited its instrument of ratification or acceptance.
2. In relation to a Signatory depositing its instrument of ratification or acceptance after 1 January 2001, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument, provided that in relation to Macedonia this Agreement enters into force at the latest on the same date.
3. Any Party may, if its constitutional requirements permit, apply this Agreement provisionally during an initial period starting on 1 January 2001, provided that in relation to Macedonia this Agreement has entered into force or is provisionally applied at the latest as of the same date. Provisional application of this Agreement shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA States
and Mexico, signed
27 November 2000*

Article 84 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 July 2001 in relation to those Signatory States which by then have deposited their instruments of ratification or acceptance with the Depositary, provided that Mexico is among the States that have deposited their instruments of ratification or acceptance.
3. In relation to a Signatory State depositing its instrument of ratification or acceptance after 1 July 2001, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument, provided that in relation to Mexico this Agreement enters into force at the latest on the same date.
4. Any Party may, if its constitutional requirements permit, apply this Agreement provisionally during an initial period starting on 1 July 2001. Provisional application of this Agreement shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA States
and Jordan, signed
21 June 2001*

Article 40 (Entry into force)

1. This Agreement shall enter into force on 1 January 2002 in relation to those Signatories which by then have deposited their instruments of ratification or acceptance with the Depositary, provided that Jordan has deposited its instrument of ratification or acceptance.
2. In relation to a Signatory depositing its instrument of ratification or acceptance after 1 January 2002, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument, provided that in relation to Jordan this Agreement enters into force at the latest on the same date.

3. Any Signatory may already at the time of signature declare that, during an initial phase, it shall apply this Agreement provisionally, if this Agreement cannot enter into force in relation to that Signatory by 1 January 2002. For an EFTA State provisional application is only possible provided that in relation to Jordan this Agreement has entered into force, or that Jordan is applying this Agreement provisionally.

*Free Trade Agreement
between the EFTA States
and Singapore, signed
26 June 2002*

Article 72 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 January 2003 in relation to those Signatory States which by then have deposited their instruments of ratification, acceptance or approval with the Depositary, and provided that Singapore is among the States that have deposited their instruments of ratification, acceptance or approval.
3. In relation to a Signatory State depositing its instrument of ratification, acceptance or approval after 1 January 2003, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument, provided that in relation to the Republic of Singapore this Agreement enters into force at the latest on the same date.
4. Any Party may, if its constitutional requirements permit, apply this Agreement provisionally during an initial period starting on 1 January 2003. Provisional application of this Agreement shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA
States and Chile, signed
26 June 2003*

Article 106 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 February 2004 in relation to those Signatory States which by then have ratified, accepted or approved the Agreement, provided they have deposited their instruments of ratification, acceptance or approval with the Depositary at least 30 days before the date of entry into force, and provided that Chile is among the States that have deposited their instruments of ratification, acceptance or approval.
3. In case this Agreement does not enter into force on 1 February 2004, it shall enter into force on the first day of the first month following the latter deposit of the instruments of ratification, acceptance or approval by Chile and at least one EFTA State.
4. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument.

*Free Trade Agreement
between the EFTA States
and Lebanon, signed
24 June 2004*

5. If its constitutional requirements permit, any EFTA State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.

Article 41 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 January 2005 in relation to those Signatory States which by then have ratified the Agreement, provided they have deposited their instruments of ratification or acceptance with the Depositary at least two months before the entry into force, and provided that Lebanon is among the States that have deposited their instruments of ratification or acceptance.
3. In case this Agreement does not enter into force on 1 January 2005 it shall enter into force on the first day of the third month following the latter date on which Lebanon and at least one EFTA State have deposited their instruments of ratification.
4. In relation to an EFTA State depositing its instrument of ratification, after this Agreement has entered into force, the Agreement shall enter into force on the first day of the third month following the deposit of its instrument.
5. If its constitutional requirements permit, any EFTA State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA States
and Tunisia, signed
17 December 2004*

Article 45 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 June 2005 in relation to those Signatory States which by then have deposited their instruments of ratification or acceptance with the Depositary, provided that Tunisia is among the States that have deposited their instruments of ratification or acceptance.
3. In case this Agreement does not enter into force on 1 June 2005 it shall enter into force on the first day of the second month following the latter date on which Tunisia and at least one EFTA State have deposited their instruments of ratification.
4. In relation to an EFTA State depositing its instrument of ratification, after this Agreement has entered into force, the Agreement shall enter into force on the first day of the second month following the deposit of its instrument.
5. If its constitutional requirements permit, any EFTA State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA
States and the Republic
of Korea, signed
15 December 2005*

Article 10.6 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on 1 July 2006 in relation to those Signatory States which by then have ratified this Agreement, provided they have deposited their instruments of ratification, acceptance or approval with the Depositary at least one month before the entry into force, and provided that Korea is among the States that have deposited their instruments.
3. In case this Agreement does not enter into force on 1 July 2006, it shall enter into force on the first day of the second month following the latter date on which Korea and at least one EFTA State have deposited their instruments of ratification, acceptance, or approval with the Depositary.
4. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, the Agreement shall enter into force on the first day of the second month following the deposit of its instrument.
5. If its constitutional requirements permit, any EFTA State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA
States and the Southern
African Customs Union
States, signed 26 June
2006*

Article 43 (Entry into Force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. If its constitutional requirements permit, any EFTA State or SACU State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.
3. This Agreement shall enter into force on 1 July 2006, provided all the Parties have deposited their instruments of ratification, acceptance or approval with, or notified provisional application to, the Depositary at least one month before this date.
4. In case this Agreement does not enter into force on 1 July 2006 it shall enter into force on the first day of the second month following the date on which the last Party has deposited its instrument or notified provisional application.

*Free Trade Agreement
between the Arab
Republic of Egypt and
the EFTA States, signed
27 January 2007*

Article 49 (Entry into force)

1. This Agreement shall enter into force in relation to those Signatory States which have ratified the Agreement on the first day of the second month following the exchange of their instruments of ratification or acceptance, provided that Egypt is among the States that have deposited their instruments of ratification or acceptance.

2. A Signatory State may, if constitutional requirements allow, apply this Agreement provisionally during an initial phase, provided that Egypt has ratified the Agreement. Provisional application of the Agreement shall be notified to the other Signatory States.

*Free Trade Agreement
between Canada and
the EFTA States, signed
26 January 2008*

Article 41 (Provisional application)

If their domestic requirements permit, Canada and any EFTA State may apply this Agreement and the bilateral Agreements on trade in agricultural products provisionally. Such provisional application shall commence as of the date of the entry into force of this Agreement between Canada and at least two EFTA States, in accordance with paragraph 2 of Article 42. Provisional application of such Agreements under this Article shall be notified to the Depositary.

Article 42 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on the first day of the third month following the deposit by Canada and at least two of the EFTA States of their respective instruments of ratification, acceptance or approval with the Depositary, provided that the same Parties have exchanged their instruments of ratification, acceptance or approval in respect of the bilateral Agreement on trade in agricultural products concerned.
3. This Agreement shall enter into force for the other EFTA States at the date of the deposit of their respective instruments of ratification, acceptance or approval with the Depositary, provided Canada and the EFTA States concerned have exchanged instruments of ratification, acceptance or approval in respect of the corresponding bilateral Agreements on trade in agricultural products.
4. Should Canada and Liechtenstein apply this Agreement provisionally between them, this Agreement shall enter into force on the same date as for Switzerland, following Liechtenstein's deposit of its instrument of ratification, acceptance or approval with the Depositary.

*Free Trade Agreement
between the EFTA States
and the Gulf Coopera-
tion Council member
States, signed 22 June
2009*

Article 9.9 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. If its constitutional requirements permit, any Party may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.
3. This Agreement shall not enter into force or be applied provisionally between an EFTA State and GCC unless the complementary agreement on trade in basic agricultural goods between the EFTA State and GCC enters into force or is applied provisionally simultaneously.

4. This Agreement shall enter into force on the first day of the third month after the GCC Member States and at least one EFTA State have deposited their respective instruments of ratification, acceptance or approval with the Depositary.

5. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force this Agreement shall enter into force on the first day of the third month following the deposit of its instrument with the Depositary.

*Free Trade Agreement
between Albania and
the EFTA States, signed
17 December 2009*

Article 42 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. This Agreement shall enter into force on 1 April 2010 in relation to those Parties which have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary, at least two months before that date, and provided that Albania is among those Parties.

3. In case this Agreement does not enter into force on 1 April 2010 it shall enter into force on the first day of the third month after Albania and at least one EFTA State have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary.

4. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

5. If its constitutional requirements permit, Albania or any EFTA State may apply this Agreement provisionally pending ratification, acceptance or approval by that Party. Provisional application of this Agreement shall be notified to the Depositary.

6. This Agreement shall not enter into force or be applied provisionally between Albania and an EFTA State unless the complementary agreement on trade in agricultural products between Albania and that EFTA State enters into force or is applied provisionally simultaneously. It shall remain in force between Albania and that EFTA State as long as the complementary agreement remains in force between them.

*Free Trade Agreement
between the EFTA States
and Serbia, signed
17 December 2009*

Article 54 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. This Agreement shall enter into force on 1 April 2010 in relation to those Parties which have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary, at least two months before that date, and provided that Serbia is among those Parties.

3. In case this Agreement does not enter into force on 1 April 2010 it shall enter into force on the first day of the third month after at least one EFTA State and Serbia have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary.

4. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

5. If its constitutional requirements permit, any EFTA State or Serbia may apply this Agreement provisionally pending ratification, acceptance or approval by that Party. Provisional application of this Agreement shall be notified to the Depositary.

6. This Agreement shall not enter into force or be applied provisionally between an EFTA State and Serbia unless the complementary agreement on trade in agricultural products between that EFTA State and Serbia enters into force or is applied provisionally simultaneously. It shall remain in force between that EFTA State and Serbia as long as the complementary agreement remains in force between them.

*Free Trade Agreement
between the EFTA
States and Peru, signed
24 June 2010 (EFTA
States), signed 14 July
2010 (Peru)*

Article 13.2 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective legal and constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. This Agreement shall enter into force on 1 June 2011, provided that Peru and at least one EFTA State have deposited their instruments of ratification, acceptance or approval with, or notified provisional application to the Depositary at least two months prior to that date.

3. In case the Agreement does not enter into force on 1 June 2011, it shall enter into force on the first day of the third month following the latter date on which Peru and at least one EFTA State have deposited their instruments of ratification, acceptance or approval with, or notified provisional application to the Depositary.

4. If an EFTA State deposits its instrument of ratification, acceptance or approval after this Agreement has entered into force, the Agreement shall enter into force on the first day of the third month following the deposit of its instrument.

5. Where Peru has ratified this Agreement, an EFTA State may, if its legal and constitutional requirements so permit, apply this Agreement provisionally pending ratification, acceptance or approval by that State. Provisional application of this Agreement shall be notified to the Depositary, and shall apply from the first day of the third month following the notification.

6. If the Agreement is not ratified, accepted or approved by a Party, and it had been provisionally applied by that Party, paragraph 1 of Article 13.5 (Withdrawal) shall apply *mutatis mutandis*. Provisional application shall continue for a period of six months following the date of the receipt of the Party's notification by the Depositary regarding the non-ratification, non-acceptance or non-approval of the Agreement.

Article 13.5 (Withdrawal)

1. Any Party may withdraw from this Agreement after it provides written notification to the other Parties. Such withdrawal shall be effective six months after the date on which the notification is received by the Depositary, except otherwise agreed by the Parties.

2. If Peru withdraws, this Agreement shall expire when the withdrawal becomes effective.

3. In case any EFTA State withdraws from the Convention establishing the European Free Trade Association, it shall withdraw at the same time from this Agreement in accordance with paragraph 1.

Article 51 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. This Agreement shall enter into force on 1 July 2012 in relation to those Parties which have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary, at least two months before that date, and provided that at least one EFTA State and Montenegro are among them.

3. In case this Agreement does not enter into force on 1 July 2012, it shall enter into force on the first day of the third month after at least one EFTA State and Montenegro have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depositary.

4. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

*Free Trade Agreement
between the EFTA States
and Montenegro, signed
14 November 2011*

5. If its constitutional requirements permit, a Party may apply this Agreement provisionally pending ratification, acceptance or approval by that Party. Provisional application of this Agreement shall be notified to the Depository.

*Free Trade Agreement
between the EFTA States
and Bosnia and Herze-
govina, signed 24 June
2013*

Article 53 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depository.

2. This Agreement shall enter into force, in relation to those Parties which have deposited their instruments of ratification, acceptance or approval, or notified provisional application to the Depository, on the first day of the third month following the receipt of the latest deposit of instrument of ratification, acceptance or approval, or notification on provisional application, provided that at least one EFTA State and Bosnia and Herzegovina are among them.

3. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of ratification, acceptance or approval.

4. If its constitutional requirements permit, any EFTA State or Bosnia and Herzegovina may apply this Agreement provisionally pending ratification, acceptance or approval by that Party. Provisional application of this Agreement shall be notified to the Depository.

*Free Trade Agreement
between the EFTA
States and the Central
American States, signed
24 June 2013*

Article 13.6 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective domestic legal procedures of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depository.

2. If its respective legal requirements permit, a Party may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depository.

3. This Agreement shall enter into force 60 days after the date on which at least one Central American State and at least one EFTA State have deposited their instrument of ratification, acceptance or approval with the Depository.

4. In relation to a Party depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, the Agreement shall enter into force 60 days following the deposit of its instrument.

*Free Trade Agreement
between the EFTA States
and the Philippines,
signed 28 April 2016*

Article 14.5 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective legal requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on the first day of the third month following the date on which at least one EFTA State and the Philippines have deposited their instrument of ratification, acceptance or approval with the Depositary.
3. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument.
4. If its respective legal requirements permit, a Party may apply this Agreement provisionally, pending its entry into force for that Party. Provisional application of this Agreement shall be notified to the Depositary.

*Free Trade Agreement
between the EFTA States
and Georgia, signed
27 June 2016*

Article 13.5 (Entry into force)

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective legal requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. This Agreement shall enter into force on the first day of the third month following the date on which at least one EFTA State and Georgia have deposited their instrument of ratification, acceptance or approval with the Depositary.
3. In relation to an EFTA State depositing its instrument of ratification, acceptance or approval after this Agreement has entered into force, the Agreement shall enter into force on the first day of the third month following the deposit of its instrument.
4. If its respective legal requirements permit, a Party may apply this Agreement provisionally, pending its entry into force for that Party. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.