Article 35 [Recognition of diplomas, certificates]

The provisions of Article 30 shall apply to the matters covered by this Chapter.

Art. 35 only contains a reference to Art. 30. That Article corresponds to Art. 53(1) TFEU, which is placed in the Treaty’s chapter on establishment. Art. 30 EEA is in the chapter on workers. However, as outlined in the comments on that Article, this difference is of no substantive significance. Nevertheless, this required a reference to Art. 30 EEA in the chapter on establishment, as mutual recognition of professional qualifications is relevant for both workers and self-employed.

Chapter 3: Services

Article 36 [Freedom to provide services]

Within the framework of the provisions of this Agreement, there shall be no restrictions on freedom to provide services within the territory of the Contracting Parties in respect of nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the person for whom the services are intended.

Annexes IX to XI contain specific provisions on the freedom to provide services.

I. Comparison with Art. 56 TFEU

Art. 36(1) largely reproduces the wording of what was Art. 59 EEC. However, that Article foresaw a gradual dismantling of restrictions on the freedom to provide services during a transitional period. Such a reservation is not to be found in Art. 36(1) and there are no textual differences between the Article and its current counterpart, namely Art. 56(1) TFEU.1

As early as the mid-seventies, the ECJ found in van Binsbergen that Art. 59 EEC had direct effect.2 As Art. 36 EEA is in the main part of the Agreement, which has been made part of national law in dualistic Iceland and Norway (Liechtenstein is a monist system), beneficiaries should be able to rely on the Article when faced with incompatible provisions of national law.

Under the EFTA Convention, the freedom to provide services is given expression in Art. 29.

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1 Norberg et al., EEA Law, pp. 448-449.