



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.7.2006  
SEC(2006) 998 final

Draft

**DECISION OF THE EEA JOINT COMMITTEE**  
**amending Annex XIII (Transport) to the EEA Agreement**

- Draft common position of the Community -  
(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In order to ensure the requisite legal security and homogeneity, the EEA Joint Committee is to integrate all the relevant Community legislation into the EEA Agreement as soon as possible after its adoption.
2. The EEA Joint Committee should therefore adopt the attached draft decision to amend Annex XIII to the EEA Agreement by adding recently adopted acquis in the field of Transport. The decision concerns:

**32006 R 0336:** Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 4.3.2006, p. 1)

3. The draft decision contains adaptations in view of the specific situation in the EEA EFTA countries. The abovementioned regulation will not apply to the existing Safety Management Code in Norway. An adaptation is proposed in Article 3(2)(e) subject to the conditions detailed in the decision.

Since 1990 Norway made the International Safety Management Code mandatory for passenger ships carrying more than 100 passengers in all sea areas. However, Regulation (EC) No 336/2006 does not apply to passenger ships, other than ro-ro ferries in sea areas of Class C and D. Therefore Norway has stricter regulations for its domestic fleet, which are not covered by the EC Regulation. Norway wishes to maintain in place a Safety Management System for companies operating such ships in order to ensure the appropriate level of safety for the domestic fleet, as provided by their own stricter national legislation.

4. Article 1(3)(a) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for decisions extending Community legislation with substantial changes.
5. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft

**DECISION OF THE EEA JOINT COMMITTEE**  
**amending Annex XIII (Transport) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No.../...<sup>1</sup>.
- (2) Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95<sup>2</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex XIII to the Agreement shall be amended as follows:

1. The following point shall be inserted after point 56t (Directive 2005/65/EC of the European Parliament and of the Council):

‘56u. **32006 R 0336**: Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95 (OJ L 64, 4.3.2006, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

With regard to Norway, Article 3(2)(e) shall read as follows:

“passenger ships other than:

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<sup>1</sup> OJ L ....

<sup>2</sup> OJ L 64, 4.3.2006, p. 1.

- (i) ro-ro passenger ferries, and
  - (ii) passenger ships with more than 100 passengers flying the flag of Norway,
- in sea areas of Class C and D as defined in Article 4 of Directive 98/18/EC.”

2. The text of point 56c (Council Regulation (EC) No 3051/95) shall be deleted.

#### *Article 2*

The texts of Regulation (EC) No 336/2006 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

#### *Article 3*

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee\*.

#### *Article 4*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

*For the EEA Joint Committee  
The President*

*The Secretaries  
to the EEA Joint Committee*

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\* [No constitutional requirements indicated.] [Constitutional requirements indicated.]