



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 12.5.2003
SEC(2003) 531 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. Annex XIII to the EEA Agreement contains specific provisions on the co-operation between the Community and the EEA EFTA States in the field of transport.
2. The attached draft Decision of the EEA Joint Committee aims to modify Annex XIII to extend cooperation in the field of transport. It provides a framework for co-operation and sets out the modalities for the full participation of the EEA EFTA States in the European Maritime Safety Agency:
 - **32002 R 1406:** Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).
3. At the moment of the adoption of the Decision of the EEA Joint Committee, a Joint Statement should be adopted to make it possible to invite EEA EFTA States' representatives to attend the Agency Administrative Board meetings as observers.
4. Article 1.3(b) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for such Decisions on a proposal from the Commission.
5. The draft Decision of the EEA Joint Committee is submitted for the approval of the Council. The Commission would hope to be able to put forward the position of the Community in the EEA Joint Committee in June 2003.

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 .../...of ...¹.
- (2) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency² has as its objective to ensure a high, uniform and effective level of maritime safety and the prevention of pollution by ships within the Community.
- (3) The activities of the European Maritime Safety Agency may affect the level of maritime safety and prevention of pollution by ships within the European Economic Area.
- (4) Regulation (EC) No 1406/2002 is therefore to be incorporated into the Agreement in order to allow for the full participation of the EFTA States in the European Maritime Safety Agency,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulation (EC) No 1406/2002 in the Icelandic and Norwegian languages, to be published in the *Official Journal of the European Union*, shall be authentic.

¹ OJL ...

² OJL 208, 5.8.2002, p. 1.

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*

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

ANNEX

to Decision of the EEA Joint Committee No [...]

The following shall be inserted after point 56n (Regulation (EC) No 2099/2002 of the European Parliament and of the Council) in Annex XIII (Transport) to the Agreement:

‘56o. **32002 R 1406**: Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

The text of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

(a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term ‘Member State(s)’ contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States. Paragraph 11 of Protocol 1 shall apply.

(b) The following paragraph shall be added to Article 2:

‘As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.’

(c) The following paragraph shall be added to Article 3:

‘4. When the visit has been carried out in an EFTA State, the Agency shall also send the report to the EFTA Surveillance Authority.’

(d) The following shall be added to paragraph 1 of Article 4:

‘Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well.’

(e) The following paragraph shall be added to Article 6:

‘4. By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.’

(f) The following paragraph shall be added to Article 7:

‘EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol.’

(g) In Article 10(2)(b) the words ‘Council and the Commission’ shall read ‘Council, Commission and the EFTA Surveillance Authority’.

(h) The following paragraph shall be added to Article 11:

‘5. The EFTA States shall participate fully in the Administrative Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.’

(i) The following paragraph shall be added to Article 18:

‘7. The EFTA States shall participate in the financial contribution from the Community referred to in the first indent of paragraph 1. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply *mutatis mutandis*.’

(j) The following sentence shall be inserted at the end Article 22(3):

‘The Commission shall simultaneously forward the evaluation findings and recommendations also to the Standing Committee for distribution to the EFTA States.’

**EUROPEAN ECONOMIC AREA
THE EEA JOINT COMMITTEE**

At the moment of the adoption of the Decision N° .../2003 of the EEA Joint Committee, the following Joint Statement should be adopted as well:

**Joint Statement for entry into the agreed minutes of the EEA Joint Committee Decision
incorporating Regulation (EC) No 1406/2002 into the Agreement.**

‘Following the adoption of the present EEA Joint Committee Decision and pending its entry into force, the Agency Administrative Board may decide to invite EFTA States’ representatives to attend its meetings as observers.’