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**DECISION OF THE EEA JOINT COMMITTEE**  
**No 136/2002**

**of 27 September 2002**

**amending Annex XIV (Competition) 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 XIV to the Agreement was amended by Decision of the EEA Joint Committee No 96/2001 of 13 July 2001<sup>1</sup>.
- (2) Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector<sup>2</sup> is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

*Article 1*

The following point shall be inserted after point 4a (Commission Regulation (EC) No 1475/95) in Annex XIV to the Agreement:

- ‘4b. **32002 R 1400:** Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector (OJ L 203, 1.8.2002, p. 30).

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

- (a) In Article 6(1), the phrase “pursuant to Article 7(1) of Regulation No 19/65/EEC” shall read “either on its own initiative or at the request of the other surveillance authority or a State falling within its competence or of natural or legal persons claiming legitimate interest”;
- (b) The following shall be added at the end of Article 6(1):

“The competent surveillance authority may in such cases issue a decision in accordance with Articles 6 and 8 of Regulation (EEC) No 17/62, or the

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<sup>1</sup> OJ L 251, 20.9.2001, p. 23.

<sup>2</sup> OJ L 203, 1.8.2002, p. 30.

corresponding provisions in Protocol 21 to the EEA Agreement, without any notification from the undertakings concerned being required.”

*Article 2*

The texts of Regulation (EC) No 1400/2002 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Communities*, shall be authentic.

*Article 3*

This Decision shall enter into force on 28 September 2002, 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 Communities*.

Done at Brussels, 27 September 2002.

*For the EEA Joint Committee  
The President*

*Gunnar Snorri Gunnarsson*

*The Secretaries  
to the EEA Joint Committee*

*P.K. Mannes*

*M. Brinkmann*

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\* No constitutional requirements indicated.