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32000R0823

DECISION OF THE EEA JOINT COMMITTEE
No 49/2000

of 31 May 2000

amending Annex XIV (Competition)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted 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 87/1999 of 25 June 1999¹.
- (2) Commission Regulation (EC) No 823/2000 of 19 April 2000 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)² is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 823/2000 replaces, with effect from 26 April 2000, Commission Regulation (EC) No 870/95 of 20 April 1995 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia)³, which is incorporated into the Agreement and which is consequently to be replaced under the Agreement with effect from 26 April 2000,

HAS DECIDED AS FOLLOWS:

¹ OJ L ...

² OJ L 100, 20.4.2000, p. 24.

³ OJ L 89, 21.4.1995, p. 7.

Article 1

The text of point 11c (Commission Regulation (EC) No 870/95) of Annex XIV to the Agreement shall be replaced by the following:

‘32000 R 0823: Commission Regulation (EC) No 823/2000 of 19 April 2000 on the application of Article 81(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner shipping companies (consortia) (OJ L 100, 20.4.2000, p. 24).

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

- (a) In Article 1 the words “Community ports” shall read “ports in the territory covered by the EEA Agreement”;
- (b) In Article 7(1), first paragraph, the phrase “on condition that the agreements in question are notified to the Commission in accordance with the provisions of Commission Regulation (EC) No 2843/98 and that the Commission does not oppose” shall read “on condition that the agreements in question are notified to the EC Commission or the EFTA Surveillance Authority in accordance with the provisions of Commission Regulation (EC) No 2843/98, and the corresponding provisions in Protocol 21 to the EEA Agreement, and that the competent surveillance authority does not oppose”;
- (c) The following shall be added at the end of Article 7(1):

“, or the corresponding provision in Protocol 21 to the EEA Agreement”;
- (d) In Article 7(3) the second sentence shall be replaced by the following:

“It shall oppose the exemption if it receives a request to do so from a State falling within its competence within three months of the transmission to those States of the notification referred to in paragraph 1”;
- (e) In Article 7(4) the second sentence shall be replaced by the following:

“However, where the opposition was raised at the request of a State falling within its competence and this request is maintained, it may be withdrawn only after consultation of its Advisory Committee on Restrictive Practices and Dominant Positions in Maritime Transport”;
- (f) The following shall be added at the end of Article 7(7):

“, or the corresponding provision in Protocol 21 to the EEA Agreement”;
- (g) In Article 12, introductory paragraph, the phrase “in accordance with Article 6 of Regulation (EEC) No 479/92” 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 a legitimate interest”.’

Article 2

The texts of Commission Regulation (EC) No 823/2000 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 1 June 2000, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

It shall apply from 26 April 2000.

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, 31 May 2000.

*For the EEA Joint Committee
The President*

F. Barbaso

*The Secretaries
to the EEA Joint Committee*

G. Vik E. Gerner

* No constitutional requirements indicated.