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32000 R 2658

DECISION OF THE EEA JOINT COMMITTEE
No 113/2000

of 22 December 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 49/2000 of 31 May 2000¹.
- (2) Commission Regulation (EC) No 2658/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of specialisation agreements² is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements³ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 6 (Commission Regulation (EEC) No 417/85) of Annex XIV to the Agreement shall be replaced by the following:

'32000 R 2658: Commission Regulation (EC) No 2658/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of specialisation agreements (OJ L 304, 5.12.2000, p. 3).

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

¹ OJ L 237, 21.9.2000, p. 60.

² OJ L 304, 5.12.2000, p. 3.

³ OJ L 304, 5.12.2000, p. 7.

- (a) in Article 7, introductory paragraph, the phrase “pursuant to Article 7 of Regulation (EEC) No 2821/71, where, either on its own initiative or at the request of a Member State or of a natural or legal person claiming a legitimate interest” shall read “, where, either on its own initiative or at the request of the other surveillance authority or a State falling within its competence or of a natural or legal person claiming a legitimate interest”;
- (b) the following paragraph shall be added at the end of Article 7:

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

Article 2

The text of point 7 (Commission Regulation (EEC) No 418/85) of Annex XIV to the Agreement shall be replaced by the following:

‘32000 R 2659: Commission Regulation (EC) No 2659/2000 of 29 November 2000 on the application of Article 81(3) of the Treaty to categories of research and development agreements (OJ L 304, 5.12.2000, p. 7).

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

- (a) in Article 7, introductory paragraph, the phrase “pursuant to Article 7 of Regulation (EEC) No 2821/71, where, either on its own initiative or at the request of a Member State or of a natural or legal person claiming a legitimate interest” shall read “, where, either on its own initiative or at the request of the other surveillance authority or a State falling within its competence or of a natural or legal person claiming a legitimate interest”;
- (b) the following paragraph shall be added at the end of Article 7:

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

Article 3

The texts of Commission Regulations (EC) Nos 2658/2000 and 2659/2000 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 4

This Decision shall enter into force on 1 January 2001, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 5

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, 22 December 2000.

*For the EEA Joint Committee
The President*

G. S. Gunnarsson

*The Secretaries
to the EEA Joint Committee*

P. K. Mannes

E. Gerner

* No constitutional requirements indicated.