

**Annex 12
to Decision No 7/94
of the EEA Joint Committee**

ANNEX XIV (COMPETITION) to the EEA Agreement shall be amended as specified below.

(a) Chapter C. PATENT LICENCING AGREEMENTS

1. The following indent shall be added in point 5 (Commission Regulation (EEC) No 349/84) before the adaptations:

"– 393 R 0151: Commission Regulation (EEC) No 151/93 of 23 December 1992 (OJ No L 21, 29.1.1993, p. 8).".

(b) Chapter D. SPECIALIZATION AND RESEARCH AND DEVELOPMENT AGREEMENTS

1. The following indent shall be added in point 6 (Commission Regulation (EEC) No 417/85) before the adaptations:

"– 393 R 0151: Commission Regulation (EEC) No 151/93 of 23 December 1992 (OJ No L 21, 29.1.1993, p. 8).".

2. The following indent shall be added in point 7 (Commission Regulation (EEC) No 418/85) before the adaptations:

"– 393 R 0151: Commission Regulation (EEC) No 151/93 of 23 December 1992 (OJ No L 21, 29.1.1993, p. 8).".

(c) Chapter F. KNOW-HOW LICENSING AGREEMENTS

1. The following shall be added in point 9 (Commission Regulation (EEC) No 556/89) before the adaptations:

", as amended by:

- 393 R 0151: Commission Regulation (EEC) No 151/93 of 23 December 1992 (OJ No L 21, 29.1.1993, p. 8).".

(d) Chapter G. TRANSPORT

1. The following new points shall be inserted after point 11 (Council Regulation (EEC) No 4056/86):

11a. 393 R 3652: Commission Regulation (EEC) No 3652/93 of 22 December 1993 on the application of Article 85(3) of the Treaty to certain categories of agreements between undertakings relating to computerized reservation systems for air transport services (OJ No L 333, 31.12.1993, p. 37).

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

- (a) in Article 9(i), the term "Community air carriers" shall read "air carriers established in the territory covered by the EEA Agreement";

- (b) in Article 9(4), a new sentence shall be inserted after the second sentence reading: "The competent surveillance authority shall also inform the EEA Joint Committee.";
- (c) in Article 14, introductory paragraph, the phrase "Pursuant to Article 7 of Regulation (EEC) No 3976/87" shall read "Either on the initiative of the competent surveillance authority 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";
- (d) the following shall be added at the end of Article 14: "The competent surveillance authority may in such cases take, pursuant to Article 13 of Regulation (EEC) No 3975/87, or the corresponding provisions envisaged in Protocol 21 to the EEA Agreement, all appropriate measures for the purpose of bringing these infringements to an end. Before taking such decision, the competent surveillance authority may address recommendations for termination of the infringement to the persons concerned.";
- (e) The second paragraph of Article 15 shall read:

"This act shall apply with retroactive effect to agreements in existence at the date of entry into force of the EEA Agreement, from the time when the conditions of application of this act were fulfilled."

- 11b. 393 R 1617: Commission Regulation (EEC) No 1617/93 of 25 June 1993 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices concerning joint planning and co-ordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports (OJ No L 155, 26.6.1993, p. 18).

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

- (a) in Article 1, the term "Community airports" shall read "airports in the territory covered by the EEA Agreement";
- (b) in Article 6, introductory paragraph, the phrase "pursuant to Article 7 of Regulation (EEC) No 3976/87" 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";
- (c) the following shall be added at the end of Article 6: "The competent surveillance authority may in such cases take, pursuant to Article 13 of Regulation (EEC) No 3975/87, or the corresponding provisions envisaged in Protocol 21 to the EEA Agreement, all appropriate measures for the purpose of bringing these infringements to an end. Before taking such decision, the competent surveillance authority may address recommendations for termination of the infringement to the persons concerned.";
- (d) The last paragraph of Article 7 shall read:

"This act shall apply with retroactive effect to agreements, decisions and concerted practices in existence at the date of entry into force of the EEA Agreement, from the time when the conditions of application of this act were fulfilled".

(e) Chapter I. COAL AND STEEL

1. The following indent shall be added in point 15 (High Authority Decision No 25/67) before the adaptations:

"- 391 S 3654: Commission Decision No 3654/91/ECSC of 13 December 1991 (OJ No L 348, 17.12.1991, p. 12).".

- (f) The following new chapter and new points shall be added after point 15 (High Authority Decision No 25/67):

"J. INSURANCE SECTOR

15a. 392 R 3932: Commission Regulation (EEC) No 3932/92 of 21 December 1992 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector (OJ No L 398, 31.12.1992, p. 7).

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

- (a) in Article 17, introductory paragraph, the phrase "pursuant to Article 7 of Regulation (EEC) No 1534/91" 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";
 - (b) the following paragraph shall be added at the end of Article 17: "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 being required";
 - (c) Article 18 shall not apply;
 - (d) Article 19 shall not apply;
 - (e) Article 20 shall not apply;
 - (f) Article 21 shall read: "This Act shall apply until 31 March 2003.".
- (g) ACTS OF WHICH THE EC COMMISSION AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT

The following shall be added after point 25 (C/233/91/p.2) as a new section:

"GENERAL

- I. The above acts were adopted by the EC Commission up to 31 July 1991. Upon entry into force of the Agreement, corresponding acts are to be adopted by the EFTA Surveillance Authority under Articles 5(2)(b) and 25 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice. They are to be published in accordance with the exchange of letters on publication of EEA relevant information.
- II. As regards EEA relevant acts adopted by the EC Commission after 31 July 1991, the EFTA Surveillance Authority, in accordance with the powers vested in it under

the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, is to adopt, after consultations with the EC Commission, corresponding acts in order to maintain equal conditions of competition. The acts adopted by the Commission will not be integrated into this Annex but a reference to their publication in the Official Journal of the European Community will be made in the EEA Supplement to the Official Journal. The corresponding acts adopted by the EFTA Surveillance Authority are to be published in the EEA Supplement to, and the EEA Section of, the Official Journal. Both surveillance authorities shall take due account of these acts in cases where they are competent under the Agreement."
