

PROTOCOL 19

ON MARITIME TRANSPORT

The Contracting Parties shall not apply between themselves the measures referred to in Council Regulations (EEC) Nos 4057/86 (OJ No L 378, 31.12.1986, p. 14) and 4058/86 (OJ No L 378, 31.12.1986, p. 21) and Council Decision 83/573/EEC (OJ No L 332, 28.11.1983, p. 37) or any other similar measures, provided that the acquis on maritime transport included in the Agreement is fully implemented.

The Contracting Parties will coordinate their actions and measures towards third countries and third country companies in the area of maritime transport according to the following provisions:

1. if a Contracting Party decides to monitor the activities of certain third countries in the field of cargo shipping it shall inform the EEA Joint Committee and may propose to other Contracting Parties that they participate in this action;
2. if a Contracting Party decides to make diplomatic representations to a third country in response to a restriction or a threat to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. The other Contracting Parties may decide to join in such diplomatic representations;
3. if any of the Contracting Parties intends to take measures or action against a third country and/or third-country shipowners in order to respond, inter alia, to unfair pricing practices by certain third-country shipowners engaged in international cargo-liner shipping or to restrictions or threats to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. Whenever appropriate, the Contracting Party initiating the procedures may request the other Contracting Parties to cooperate in these procedures.

The other Contracting Parties may decide to take the same measures or actions for their own jurisdictions. Where measures or actions taken by a Contracting Party are evaded through the territory of other Contracting Parties which have not adopted such measures or actions, the Contracting Party whose measures or actions are evaded may take appropriate measures to remedy the situation;

4. if any of the Contracting Parties intends to negotiate cargo-sharing arrangements as described in Articles 5(1) and 6 of Council Regulation (EEC) No 4055/86 (OJ No L 378, 31.12.1986, p. 1) or to extend the provisions of this Regulation to nationals of a third country as foreseen in Article 7 thereof, it shall inform the EEA Joint Committee.

If one or more of the other Contracting Parties object to the intended action, a satisfactory solution will be sought within the EEA Joint Committee. If the Contracting Parties do not reach agreement, appropriate measures may be taken. If no other means are available, such measures may include the revocation between Contracting Parties of the principle of freedom to provide maritime transport services, established in Article 1 of the Regulation;

5. whenever possible, the information referred to in paragraphs 1 to 4 shall be given in good time to allow the Contracting Parties to coordinate their actions;
6. at the request of a Contracting Party, consultations shall take place between Contracting Parties on questions concerning shipping matters and dealt with in international organizations and on the various aspects of development which have taken place in relations between Contracting Parties and third countries in shipping matters, and on the functioning of bilateral or multilateral agreements concluded in this sphere.