

DECISION OF THE EEA JOINT COMMITTEE No 82/2005
of 10 June 2005
amending Annex XIII (Transport) 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 XIII to the Agreement was amended by Decision of the EEA Joint Committee No 68/2005 of 29 April 2005 ⁽¹⁾.
- (2) Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency ⁽²⁾, as corrected by OJ L 220, 21.6.2004, p. 3, has as its objective to enhance the level of interoperability of railway systems and to develop a common approach to safety on the European railway system.
- (3) The activities of the Agency may affect the level of railway interoperability and safety in the European Economic Area.
- (4) Regulation (EC) No 881/2004 is therefore to be incorporated into the Agreement in order to allow for the full participation of the EFTA States in the European Railway Agency,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The texts of Regulation (EC) No 881/2004 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 11 June 2005, 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 Union*.

Done at Brussels, 10 June 2005.

For the EEA Joint Committee

The President

Richard WRIGHT

⁽¹⁾ OJ L 239, 15.9.2005, p. 57.

⁽²⁾ OJ L 164, 30.4.2004, p. 1.

(*) Constitutional requirements indicated.

ANNEX

The following shall be inserted after point 42e (Directive 2004/49/EC of the European Parliament and of the Council) in Annex XIII to the Agreement:

- ‘42f. **32004 R 0881**: Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European Railway Agency (OJ L 164, 30.4.2004, p. 1), as corrected by OJ L 220, 21.6.2004, p. 3.

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

- (a) Unless otherwise stipulated below, and notwithstanding the provisions of Protocol 1 to the Agreement, the term “Member State(s)” and other terms referring to their public entities contained in the Regulation shall be understood to include, in addition to its meaning in the Regulation, the EFTA States and their public entities. Paragraph 11 of Protocol 1 shall apply.
- (b) As regards the EFTA States, the Agency shall, as and when appropriate, assist the EFTA Surveillance Authority or the Standing Committee, as the case may be, in the performance of their respective tasks.
- (c) The working parties established by the Agency shall include adequate representation from the EFTA States.
- (d) The following paragraph shall be added to Article 23:

“EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol.”
- (e) The following paragraph shall be added to Article 24:

“5. By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.”
- (f) In Article 25(2)(b) the words “the European Parliament, the Council and the Commission” shall read “the European Parliament, the Council, the Commission and the EFTA Surveillance Authority”.
- (g) The following paragraph shall be added to Article 26:

“5. The EFTA States shall participate fully in the Administrative Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.”
- (h) The following paragraph shall be added to Article 33:

“4. When the visits have been carried out in an EFTA State, the Agency shall also send the report to the EFTA Surveillance Authority.”
- (i) The following shall be added to paragraph 1 of Article 37:

“Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (*) shall, for the application of this Regulation, apply to any documents of the Agency regarding the EFTA States as well.

(*) OJ L 145, 31.5.2001, p. 43.”
- (j) The following paragraph shall be added to Article 38:

“10. The EFTA States shall participate in the financial contribution from the Community referred to in the first indent of paragraph 2. For this purpose, the procedures laid down in Article 82(1)(a) and Protocol 32 to the Agreement shall apply *mutatis mutandis*.”