

STATEMENTS

1. Statement of the Council, adopted by the unanimity of its Members referred to in Article 6(1) of the Schengen Protocol

'It is the understanding of the Council that decisions to be taken by the Mixed Committee pursuant to the Arrangement shall be taken unanimously by the representatives of the Members of the Council referred to in Article 6(1) of the Schengen Protocol and by the representatives of the governments of Iceland and Norway, unless the Rules of Procedure or the Agreement to be concluded under Article 6(2) of the Schengen Protocol provide otherwise.'

2. Statement by the Council and the Commission in respect of Directive 95/46/EC

'Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31) has not been included in Annex B to the Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, in view of the proposal of the Commission of 2 December 1998 for the Decision of the Joint Committee of the EEA to include that Directive in Annex XI to the EEA Agreement ⁽¹⁾.

The European Union is of the view that this Directive constitutes an integral part of the Schengen acquis insofar as it has replaced provisions of the 1990 Schengen Convention pursuant to Article 134 of that Convention.

If the Directive were not included in Annex XI of the EEA Agreement, the Union assumes that the Republic of Iceland and the Kingdom of Norway will take the necessary steps to ensure that they will apply its provisions.

This statement will be published together with the text of the aforementioned Agreement with the Republic of Iceland and the Kingdom of Norway in the *Official Journal of the European Communities*.

3. Statement entered in the Council minutes at the time of the adoption of the negotiating directives

'The Council agrees that any matter concerning the implementation of the Agreement with Iceland and Norway is to be placed on the agenda for the Mixed Committee in timely fashion. Before the Mixed Committee meets, the Presidency will, if it so considers necessary or at the request of any delegation or of the Commission, call a meeting of the competent Council body in order to ascertain whether any particular matter does not need to be referred to the Mixed Committee or whether any particular other matter would be better first discussed or resolved within the Union (for example, visa questions or other questions to which the association procedure provided for in Article 6 of the Schengen Protocol does not strictly apply).

Re point I on the list ⁽²⁾: neither proposals being negotiated within the Union nor the adaptation or development of acts based on the Treaty on European Union on the entry into force of the Amsterdam Treaty may be referred to the Mixed Committee before a reasonable time has elapsed.

The fact that certain matters are not dealt with under the procedure laid down in the Agreement to be concluded on the basis of the first paragraph of Article 6 of the Schengen Protocol does not, of course, rule out the possibility of regularly informing our Icelandic and Norwegian partners of developments within the Union in relation to such matters.'

⁽¹⁾ Council Doc. 13992/98 EEE 96 ECO 466 of 9 December 1998.

⁽²⁾ See Article 1 of the draft decision of the Council on certain arrangements for the application of the Agreement concluded by the Council and the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and further development of the Schengen acquis (doc. 6611/3/99 SCHENGEN 17 Rev. 3 of 22 April 1999).

4. Declaration of the negotiating delegations made at the time of the initialling of the Agreement

'The negotiating delegations take note of Declaration 47 of the Intergovernmental Conference on the occasion of the signature of the Treaty of Amsterdam.

They agree that it would be desirable that the Contracting Parties to the Agreement take the necessary preparatory steps so as to allow the entry into force of the Agreement on the same day as the date of entry into force of the Treaty of Amsterdam.'

5. Declaration of the negotiating delegations from the Presidency of the Council, the Commission and Norway

'The negotiating delegations from the Presidency of the Council, the Commission and from Norway share the understanding that the question as to the cases in which provisional application would be possible under Norwegian law does not affect the application of paragraph 4 of Article 8 of the Agreement.'
