



Council of the  
European Union

Brussels, 18 October 2023  
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## PROPOSAL

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From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 18 October 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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No. Cion doc.: COM(2023) 598 final

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Subject: ANNEX to the Proposal for a COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XIII (Transport) to the EEA Agreement (EMSA Regulation)

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Delegations will find attached document COM(2023) 598 final.

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Encl.: COM(2023) 598 final



Brussels, 18.10.2023  
COM(2023) 598 final

ANNEX



**ANNEX**

**to the**

**Proposal for a**

**COUNCIL DECISION**

**on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XIII (Transport) to the EEA Agreement**

**(EMSA Regulation)**

## ANNEX

### DRAFT DECISION OF THE EEA JOINT COMMITTEE

No [...]

of [...]

#### amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 98 thereof,

Whereas:

- (1) Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency<sup>1</sup> is to be incorporated into the EEA Agreement.
- (2) Annex XIII to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Point 56o (Regulation (EC) No 1406/2002 of the European Parliament and of the Council) of Annex XIII to the EEA Agreement shall be amended as follows:

1. The following indent is added:
  - ‘- **32013 R 0100**: Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 (OJ L 39, 9.2.2013, p. 30).’
2. In adaptation (b), the words “and Article 2a” shall be inserted after the words “Article 2”.
3. The text of adaptation (c) is replaced by the following:
  - ‘Article 3 shall be amended as follows:
    - (i) In paragraph 3, the following shall be added: “The Agency shall assist the EFTA Surveillance Authority or the Standing Committee, as necessary, in the performance of its tasks related to recognised organisations and training and qualifications for seafarers in third countries in accordance with the EEA Agreement.”
    - (ii) In paragraph 4, the following shall be added: “When the visit or an inspection has been carried out in an EFTA State on behalf of the EFTA Surveillance Authority, the Agency shall send the report to the EFTA Surveillance Authority and the EFTA State concerned.”
    - (iii) In paragraph 5, the following shall be added: “The EFTA Surveillance Authority shall also receive the Agency’s analysis.”

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<sup>1</sup> OJ L 39, 9.2.2013, p. 30.

4. The text of adaptation (e) is replaced by the following:

‘The following paragraph shall be added to Article 6:

  - “4. By way of derogation from Articles 12(2)(a) and 82(3)(a) of the Conditions of Employment of Other Servants, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

By way of derogation from Articles 12(2)(e), 82(3)(e) and 85(3) of the Conditions of Employment of Other Servants, the languages referred to in Article 129(1) of the EEA Agreement shall be considered by the Agency, in respect of its staff, as languages of the Union referred to in Article 55(1) of the Treaty on European Union.”
5. The text of adaptation (f) is replaced by the following:

‘The following paragraph shall be added to Article 7:

“The EFTA States shall grant privileges and immunities to the Agency and its staff equivalent to those contained in the Protocol on Privileges and Immunities of the European Union.”
6. The text of adaptation (g) is replaced by the following:

‘In Article 10(2)(b), the words “the EFTA Surveillance Authority,” shall be inserted after the words “the Commission,”.’
7. The text of adaptation (h) shall be replaced by the following:

‘Article 11 shall be amended as follows:

  - (i) The following shall be added to paragraph 1:

“The EFTA Surveillance Authority shall have one representative on the Administrative Board, without the right to vote.”
  - (ii) The following shall be added to paragraph 2:

“The EFTA Surveillance Authority shall appoint a member of the Administrative Board as well as an alternate who will represent the member in his/her absence.”
  - (iii) The following paragraph shall be added:

“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.”
8. In adaptation (i), the number “7.” is replaced by the number “12.”.
9. Adaptation (b) is renumbered as adaptation (c), adaptations (c), (d), (e), (f), (g), (h), (i) and (j) are renumbered as adaptations (f), (g), (h), (i), (j), (k), (l) and (m) respectively.
10. The following adaptations are inserted:

‘(b) In Article 1(1) the words “as well as response to marine pollution caused by oil and gas installations” shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.’

- ‘(d) In Articles 2(3)(d) and 2(5) the words “as well as marine pollution caused by oil and gas installations” shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.’
- ‘(e) Articles 2(4)(g) and 2a(2)(e) shall not apply to the EFTA States, to the extent the oil and gas installations are not falling in the territorial scope of the EEA Agreement.’
- ‘(n) In Article 10(2)(c), the words “and the EFTA Surveillance Authority,” shall be inserted after the word “Commission”.’
- ‘(o) This Regulation shall not apply to Liechtenstein. Consequently, Liechtenstein will not participate in the European Maritime Safety Agency or contribute financially to its operation.’

#### *Article 2*

The text of Regulation (EU) No 100/2013 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 [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made<sup>2\*</sup>.

#### *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, [...].

*For the EEA Joint Committee*

*The President*

[...]

*The Secretaries*

*To the EEA Joint Committee*

[...]

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<sup>2</sup> \* [No constitutional requirements indicated.] [Constitutional requirements indicated.]

## **Joint Declaration by the Contracting Parties**

### **to Decision No .../... incorporating Regulation (EU) No 100/2013 of the European Parliament and of the Council into the Agreement**

The parties acknowledge that the incorporation of this act is without prejudice to the direct application of Protocol 7 on the privileges and immunities of the European Union to the nationals of EFTA states in the territory of each Member State of the European Union, pursuant to Article 11 of that Protocol.