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EC accession of Austria, Finland and Sweden

Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded

(94/C 241/08) (1)

[...]

ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS

Article 29

The acts listed in Annex I to this Act shall be adapted as specified in that Annex.

[...]

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

[...]

Article 171

Agreements, decisions and concerted practices in existence at the time of accession which come within the scope of Article 65 of the ECSC Treaty by reason of the accession must be notified to the Commission within three months of accession. Only agreements and decisions which have been notified shall remain provisionally in force until a decision has been taken by the Commission. However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Articles 1 and 2 of Protocol 25 to the EEA Agreement.

Article 172

1.From the date of accession, the new Member States shall ensure that any relevant notification or information transmitted to the EFTA Surveillance Authority or to the Standing Committee of the EFTA States under the EEA Agreement before accession is transmitted without delay to the Commission. Such transmission shall be deemed to be notification or information to the Commission for the purposes of the corresponding Community provisions.

2.From the date of accession, the new Member States shall ensure that cases which are pending before the EFTA Surveillance Authority immediately prior to accession under Articles 53, 54, 57, 61 and 62 or 65 of the EEA Agreement or Article 1 or 2 of Protocol 25 to that Agreement and which fall under the Commission's competence as a result of accession, including cases in which the facts came to an end before the date of accession, are transmitted without delay to the Commission, which shall continue to deal with them under the relevant Community provisions while ensuring that the right of defence continues to be observed.

3.Cases which are pending before the Commission under Article 53 or 54 of the EEA Agreement or Article 1 or 2 of Protocol 25 to that Agreement and which fall under Article 85 or 86 of the EC Treaty or Article 65 or 66 of the ECSC Treaty as a result of accession, including cases in which

the facts came to an end before the date of accession, shall continue to be dealt with by the Commission under the relevant Community provisions.

4. Any individual exemption decisions taken and negative clearance decisions taken before the date of accession under Article 53 of the EEA Agreement or Article 1 of Protocol 25 to that Agreement, whether by the EFTA Surveillance Authority or the Commission, and which concern cases which fall under Article 85 of the EC Treaty or Article 65 of the ECSC Treaty as a result of accession shall, on accession, remain valid for the purposes of Article 85 of the EC Treaty or, as the case may be, Article 65 of the ECSC Treaty until the time-limit specified therein expires or until the Commission takes a duly motivated decision to the contrary, in accordance with the basic principles of Community law.

5. All decisions taken by the EFTA Surveillance Authority before the date of accession pursuant to Article 61 of the EEA Agreement and which fall under Article 92 of the EC Treaty as a result of accession shall, on accession, remain valid with respect to Article 92 of the EC Treaty unless the Commission decides otherwise pursuant to Article 93 of the EC Treaty. This paragraph shall not apply to decisions subject to the proceedings provided for in Article 64 of the EEA Agreement. Without prejudice to paragraph 2 above, State aids granted by new Member States during 1994 but which, in contravention of the EEA Agreement or arrangements made thereunder, either have not been notified to the EFTA Surveillance Authority or have been notified but granted before the EFTA Surveillance Authority took a decision, shall not as a consequence be considered as existing State aids under Article 93(1) of the EC Treaty.

6. From the date of accession, the new Member States shall ensure that all other cases, where the EFTA Surveillance Authority has been seized in the framework of the surveillance procedure under the EEA Agreement before accession, are transmitted without delay to the Commission which shall continue to deal with them under the relevant Community provisions while ensuring that the right of defence continues to be observed.

7. Without prejudice to paragraphs 4 and 5, the decisions taken by the EFTA Surveillance Authority remain valid after accession unless the Commission takes a duly motivated decision to the contrary in accordance with the basic principles of Community law.

[...]

9. Joint declaration on Article 172 of the Act of Accession

The Contracting Parties note that any amendment to the EEA Agreement and the Agreement between the EFTA States on the establishment of a surveillance authority and a Court of Justice needs the consent of the contracting parties concerned.

[...]

Decision of the Council of the European Union of 1 January 1995 adjusting the instruments concerning the accession of new Member States to the European Union.
(95/1/EC, Euratom, ECSC)

(2)

[...]

Article 2

The following is substituted from the title of the Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded:

'Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded'.

The Act referred to above is hereinafter also referred to as 'the Act of Accession'.

[...]

Article 39

Annex I to the Act of Accession is replaced by the Annex to this Decision.

[...]

ANNEX I

LIST REFERRED TO IN ARTICLE 29 OF THE ACT OF ACCESSION

I - External relations

[...]

III - Competition

A - Enabling Regulations

1. 365 R 0019: Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices (OJ 36, 6.3.1965, p. 533/65), as amended by:

- 172 B: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Denmark, Ireland and the United Kingdom (OJ L 73, 27.3.1972, p. 14),

- 179 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Hellenic Republic (OJ L 291, 19.11.1979, p. 17),

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

In Article 4:

- the following subparagraph is added to paragraph 1:

'The provisions of the preceding subparagraphs shall apply in the same way in the case of the accession of Austria, Finland and Sweden'.

- paragraph 2 is supplemented by the following subparagraph:

'Paragraph 1 shall not apply to agreements and concerted practices to which Article 85(1) of the Treaty applies by virtue of the accession of Austria, Finland and Sweden and which must be notified within six months of accession, in accordance with Articles 5 and 25 of Regulation No 17, unless they have been so notified within that period. The present paragraph shall not apply to agreements and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement'.

2. 371 R 2821: Council Regulation (EEC) No 2821/71 of 20 December 1971 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices (OJ L 285, 29.12.1971, p. 46) as amended by:

- 372 R 2743: Council Regulation (EEC) No 2743/72 of 19 December 1972 (OJ L 291, 28.12.1972, p. 144),

- 179 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Hellenic Republic (OJ L 291, 19.11.1979, p. 17),

- 185 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

In Article 4:

- paragraph 1 is supplemented by the following subparagraph:

'The provisions of the preceding subparagraphs shall apply in the same way in the case of the accession of Austria, Finland and Sweden'.

- paragraph 2 is supplemented by the following subparagraph:

'Paragraph 1 shall not apply to agreements and concerted practices to which Article 85(1) of the Treaty applies by virtue of the accession of Austria, Finland and Sweden and which must be notified within six months of accession, in accordance with Articles 5 and 25 of Regulation No 17, unless they have been so notified within that period. The present paragraph shall not apply to agreements and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement'.

3. 387 R 3976: Council Regulation (EEC) No 3976/87 of 14 December 1987 on the application of Article 85(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector (OJ 374, 31.12.1987, p. 9) as amended by:

- 390 R 2344: Council Regulation (EEC) No 2344/90 of 24 July 1990 (OJ L 217, 11.8.1990, p. 15),

- 392 R 2411: Council Regulation (EEC) No 2411/92 of 23 July 1992 (OJ L 240, 24.8.1992, p. 19).

The following Article is inserted:

'Article 4a

A regulation pursuant to Article 2 may stipulate that the prohibition contained in Article 85(1) of the Treaty shall not apply, for such period as fixed by that Regulation, to agreements, decisions and concerted practices already in existence at the date of accession to which Article 85(1)

applies by virtue of the accession of Austria, Finland and Sweden and which do not satisfy the conditions of Article 85(3). However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement'.

4. 392 R 0479: Council Regulation (EEC) No 479/92 of 25 February 1992 on the application of Article 85(3) of the Treaty to certain categories of agreements, decisions and concerted practices between liner companies (consortia) (OJ L 55, 29.2.1992, p. 3).

The following Article is inserted:

'Article 3a

A Regulation pursuant to Article 1 may stipulate that the prohibition contained in Article 85(1) of the Treaty shall not apply, for such period as fixed by that Regulation, to agreements, decisions and concerted practices already in existence at the date of accession to which Article 85(1) applies by virtue of the accession of Austria, Finland and Sweden and which do not satisfy the conditions of Article 85(3). However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

B - Procedural Regulations

1. 362 R 0017: First Council Regulation No 17 of 6 February 1962 implementing Articles 85 and 86 of the Treaty (OJ 13, 21.2.1962, p. 204/62), as amended by:

- 362 R 0059: Council Regulation No 59 of 3 July 1962 (OJ 58, 10.7.1962, p. 1655/62),

- 363 R 0118: Council Regulation No 118/63/EEC of 5 November 1963 (OJ 162, 7.11.1963, p. 2696/63),

- 371 R 2822: Council Regulation (EEC) No 2822/71 of 20 December 1971 (OJ 285, 29.12.1971, p. 49),

- 172 B: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Denmark, Ireland and the United Kingdom (OJ L 73, 27.3.1972, p. 14),

- 179 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Hellenic Republic (OJ L 291, 19.11.1979, p. 17),

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

The following paragraph is added to Article 25:

'6. The provisions of paragraphs 1 to 4 still apply in the same way in the case of the accession of Austria, Finland and Sweden. However, they do not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53 of the EEA Agreement.'

2. 368 R 1017: Council Regulation (EEC) No 1017/68 of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway (OJ L 175, 23.7.1968, p. 1), as amended by:

- 172 B: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Denmark, Ireland and the United Kingdom (OJ L 73, 27.3.1972, p. 14),

- 179 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Hellenic Republic (OJ L 292, 19.11.1979, p. 17),

In Article 30:

- paragraph 3 is supplemented by the following subparagraph:

'The prohibition in Article 85(1) of the Treaty shall not apply to agreements, decisions and concerted practices which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of that accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in Articles 4 and 5 of this Regulation. This subparagraph does not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

3. 386 R 4056: Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (OJ L 378, 31.12.1986, p. 4).

The following Article is inserted:

'Article 26a

The prohibition in Article 85(1) of the Treaty shall not apply to agreements, decisions and concerted practices which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of that accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in Articles 3 and 6 of this Regulation. However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

4. 389 R 4064: Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ L 395, 30.12.1989, p. 1), as corrected by OJ L 257, 21.9.1990, p. 13.

The following paragraph is added to Article 25:

'3.As regards concentrations to which this Regulation applies by virtue of accession, the date of accession shall be substituted for the date of entry into force of this Regulation. The provision of paragraph 2, second alternative, applies in the same way to proceedings initiated by a competition authority of the new Member States or by the EFTA Surveillance Authority.'

C - Implementing Regulations

1. 362 R 0027: Commission Regulation No 27 of 3 May 1962: First Regulation implementing Council Regulation No 17 of 6 February 1962 (OJ L 35, 10.5.1962, p. 1118/62), as amended by:

- 375 R 1699: Commission Regulation (EEC) No 1699/75 of 2 July 1975 (OJ L 172, 3.7.1975, p. 11),

- 179 H: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Hellenic Republic (OJ L 291, 19.11.1979, p. 17),

- 385 R 2526: Commission Regulation (EEC) No 2526/85 of 5 August 1985 (OJ L 240, 7.9.1985, p. 1),

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23),

- 393 R 3666: Commission Regulation (EC) No 3666/93 of 15 December 1993 (OJ L 336, 31.12.1993, p. 1).

In Article 2(1) 'fifteen' is replaced by 'eighteen'.

2. 369 R 1629: Commission Regulation (EEC) No 1629/69 of 8 August 1969 on the form, content and other details of complaints pursuant to Article 10, applications pursuant to Article 12 and notifications pursuant to Article 14(1) of Council Regulation (EEC) No 1017/68 (OJ L 209, 21.8.1969, p. 1), as amended by:

- 393 R 3666: Commission Regulation (EC) No 3666/93 of 15 December 1993 (OJ L 336, 31.12.1993, p. 1).

In Article 3(5) 'fifteen' is replaced by 'eighteen'.

3. 388 R 4260: Commission Regulation (EEC) No 4260/88 of 16 December 1988 on the communications, complaints and applications and the hearings provided for in Council Regulation (EEC) No 4056/86 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (OJ L 376, 31.12.1988, p. 1) as amended by:

- 393 R 3666: Commission Regulation (EC) No 3666/93 of 15 December 1993 (OJ L 336, 31.12.1993, p. 1).

In Article 3(5) 'fifteen' is replaced by 'eighteen'.

4. 388 R 4261: Commission Regulation (EEC) No 4261/88 of 16 December 1988 on the complaints and applications and the hearings provided for in Council Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector (OJ L 376, 31.12.1988, p. 10), as amended by:

- 393 R 3666: Commission Regulation (EC) No 3666/93 of 15 December 1993 (OJ L 336, 31.12.1993, p. 1).

In Article 3(4) 'fifteen' is replaced by 'eighteen'.

5. 390 R 2367: Council Regulation (EEC) No 2367/90 of 25 July 1990 on the notifications, time-limits and hearings provided for in Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings (OJ L 219, 14.8.1990, p. 5), as amended by:

- 393 R 3666: Commission Regulation (EC) No 3666/93 of 15 December 1993 (OJ L 336, 31.12.1993, p. 1).

In Article 2(2) 'twenty-one' shall be replaced by 'twenty-four' and 'sixteen' by 'nineteen'.

D - Block exemption Regulations

1. 383 R 1983: Commission Regulation (EEC) No 1983/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive distribution agreements (OJ L 173, 30.6.1983, p. 1), as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

The following Article is inserted:

'Article 7a

The prohibition in Article 85(1) of the Treaty shall not apply to agreements which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of this accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in this Regulation. However, this Article shall not apply to agreements which at the date of accession already fall under Article 53 of the EEA Agreement.'

2. 383 R 1984: Commission Regulation (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive purchasing agreements (OJ L 173, 30.6.1983, p. 5), as corrected by OJ L 281, 13.10.1983, p. 24, as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

The following Article is inserted:

'Article 15a

The prohibition in Article 85(1) of the Treaty shall not apply to agreements which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of this accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in this Regulation. However, this Article shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

3. 384 R 2349: Commission Regulation (EEC) No 2349/84 of 23 July 1984 on the application of Article 85(3) of the Treaty to categories of patent licensing agreements (OJ L 219, 16.8.1984, p. 15), as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23),

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

The following paragraph is added to Article 8:

'4. As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Austria, Finland and Sweden, Articles 6 and 7 shall apply *mutatis mutandis* on the understanding that the relevant dates shall be the date of accession instead of 13 March 1962 and six months after the date of accession instead of 1 February 1963, 1 January 1967 and 1 April 1985. The amendment made to these agreements in accordance with Article 7 need not be notified to the Commission. However, this paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

4. 385 R 0123: Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85(3) of the Treaty to categories of motor vehicle distribution and servicing agreements (OJ L 15, 18.1.1985, p. 16), as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23).

The following paragraph is added to Article 9:

'4. As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Austria, Finland and Sweden, Articles 7 and 8 shall apply *mutatis mutandis* on the understanding that the relevant dates shall be the date of accession instead of 13 March 1962 and six months after the date of accession instead of 1 February 1963; 1 January 1967 and 1 October 1985. The amendment made to these agreements in accordance with Article 8 need not be notified to the Commission. However, this paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

5. 385 R 0417: Commission Regulation (EEC) No 417/85 of 19 December 1984 on the application of Article 85(3) of the Treaty to categories of specialization agreements (OJ L 53, 22.2.1985, p. 1), as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23),

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

The following paragraph is added to Article 9a:

'As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Austria, Finland and Sweden, the preceding paragraph shall apply *mutatis mutandis* on the understanding that the relevant dates shall be the date of accession of those countries and six months after the date of accession respectively. However, this paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

6. 385 R 0418: Commission Regulation (EEC) No 418/85 of 19 December 1984 on the application of Article 85(3) of the Treaty to categories of research and development agreements (OJ L 53, 22.2.1985, p. 5), as amended by:

- 185 I: Act concerning the conditions of accession and the adjustments to the Treaties - Accession of the Kingdom of Spain and the Portuguese Republic (OJ L 302, 15.11.1985, p. 23),

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

The following paragraph is added to Article 9a:

'7.As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Austria, Finland and Sweden, paragraphs 1 to 3 shall apply mutatis mutandis on the understanding that the relevant dates shall be the date of accession instead of 13 March 1962 and six months after the date of accession instead of 1 February 1963, 1 January 1967, 1 March 1985 and 1 September 1985. The amendment made to these agreements in accordance with the provisions of paragraph 3 need not be notified to the Commission. However, this paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

7. 388 R 4087: Commission Regulation (EEC) No 4087/88 of 30 November 1988 on the application of Article 85(3) of the Treaty to categories of franchise agreements (OJ L 359, 28.12.1988, p. 46).

The following Article is inserted:

'Article 8a

The prohibition in Article 85(1) of the Treaty shall not apply to the franchise agreements which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of this accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in this Regulation. However, this Article shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

8. 389 R 0556: Commission Regulation (EEC) No 556/89 of 30 November 1988 on the application of Article 85(3) of the Treaty to certain categories of know-how licensing agreements (OJ L 61, 4.3.1989, p. 1), as amended by:

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

The following paragraph is added to Article 10:

'4.As regards agreements to which Article 85 of the Treaty applies as a result of the accession of Austria, Finland and Sweden, Articles 8 and 9 shall apply mutatis mutandis on the understanding that the relevant dates shall be the date of accession instead of 13 March 1962 and six months after the date of accession instead of 1 February 1963 and 1 January 1967. The amendments made to the agreements in accordance with Article 9 need not be notified to the Commission. However, this paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

9. 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 L 398, 31.12.1992, p. 7).

The following paragraph is added to Article 20:

'4.As regards agreements covered by Article 85 of the Treaty as a result of the accession of Austria, Finland and Sweden, Articles 18 and 19 shall apply mutatis mutandis on the understanding that the relevant dates shall be the date of accession instead of 13 March 1962 and six months after the date of accession instead of 1 February 1963 and 1 January 1967, 31 December 1993 and 1 April 1994. The amendments made to the agreements in accordance with Article 19 need not be notified to the Commission. However, the present paragraph shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

10. 393 R 1617: Commission Regulation (EEC) No 1617/93 of 25 June 1993 on the application of the Treaty to certain categories of agreements and concerted practices concerning joint planning and coordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports (OJ L 155, 26.6.1993, p. 18).

The following Article is inserted:

'Article 6a

The prohibition in Article 85(1) of the Treaty shall not apply to agreements, decisions and concerted practices which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of this accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in this Regulation. However, this Article shall not apply to agreements, decisions and concerted practices which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

11. 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 L 333, 31.12.1993, p. 37).

The following Article is inserted:

'Article 14a

The prohibition in Article 85(1) of the Treaty shall not apply to agreements which were in existence at the date of accession of Austria, Finland and Sweden and which, by reason of this accession, fall within the scope of Article 85(1) if, within six months from the date of accession, they are so amended that they comply with the conditions laid down in this Regulation. However, this Article shall not apply to agreements which at the date of accession already fall under Article 53(1) of the EEA Agreement.'

[...]

(1) OJ C 241, 29.8.1994, p. 21

(2) OJ L 1, 1.1.1995, p. 1.